

**SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**



Secretary
Office of the Secretary

16 AUG 15 1983

SENATE

S. B. No. 1016

By:

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", AND
PROVIDING ADDITIONAL FUNDS THEREFORE**

EXPLANATORY NOTE

The role of witnesses in an administrative, criminal or legislative investigation is very important in ensuring the success of any case that may be filed in relation to the said investigation. The lives, property, reputation, and safety of witnesses, as well as those of their family are at stake. People whom they testify against may hurt or kill them or any member of their family. Therefore, it is necessary that witnesses are protected and accorded protection and benefits.

The Congress has already addressed these concerns by enacting Republic Act No. 6981, otherwise known as the "Witness Protection, Security and Benefit Act". As much as the said law has benefitted many witnesses who have become part of the witness protection program, it is timely that it is amended to strengthen the witness protection, security and benefit program by giving more benefits to the witnesses and their specified family members in consideration of the possible outcome of the witnesses decision to come out and pursue cases against those who they know have committed crimes. Also, this bill seeks to provide benefits to the children of the witnesses which will compensate for the prolonged absence of the witnesses in the lives of their family due to admission in the program. Moreover, the author deems it just that in case the witnesses are killed by reason of their admission in the program, their family will be compensated in the amount of Five Hundred Thousand Pesos (500,000.00).

Provisions on a separate and distinct witness protection program for witnesses during legislative investigations, aid of legislation are also included. These witnesses' testimonies are vital in the process of enacting bills that will address loopholes in current laws or rules and regulations and possible filing of necessary criminal complaints by the authorized agencies of the government.

Greater protection to witnesses can help ascertain the rule of law. Needless to say, the rule of law, especially in the control of corruption, is essential for economic growth and job creation.

In view of the foregoing, the approval of the bill is immediately sought.


SENATOR JOEL VILLANUEVA

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

- 4 **SEC. 3. Admission into the Program.** - Any person who has witnessed
5 or has knowledge or information on the commission of a crime and has
6 testified or is testifying or about to testify before any judicial or quasi-
7 judicial body, or before any investigating authority, may be admitted
8 into the Program: Provided, That:
- 9 a) The offense FOR which THE testimony will be used is a grave
10 felony as defined under the Revised Penal Code, or its equivalent
11 under special laws;
- 12 b) THE testimony can be substantially corroborated in its material
13 points;
- 14 c) THE WITNESS or any member of THE WITNESS' family within the
15 second civil degree of consanguinity or affinity is subjected to threats to
16 life or bodily injury or there is a likelihood that THE WITNESS will be
17 killed, forced, intimidated, harassed or corrupted SO AS TO BE
18 PREVENTED from testifying, or to testify falsely or evasively, because
19 or on account of THE testimony GIVEN; and
- 20 d) THE WITNESS is not a law enforcement officer, UNLESS THE
21 TESTIMONY TO BE GIVEN WILL BE against other law enforcement
22 officer(s).

1 "If the Department, after examination of said applicant and
2 other relevant facts, is convinced that the requirements of this Act
3 and its implementing rules and regulations have been compiled
4 with, it shall admit said applicant to the Program, require said with to
5 execute a sworn statement detailing THE WITNESS' knowledge or
6 information on the commission of the crime, and thereafter issue the
7 proper certification. For purposes of this Act, any such person admitted
8 to the Program shall be known as the Witness."

9 SEC.4. *Witness in Legislative Investigations.* - In case of legislative
10 investigations in aid of legislation, THE SENATE OF THE
11 PHILIPPINES OR THE HOUSE OF REPRESENTATIVES, AS THE
12 CASE MAY BE, MAY PROVIDE A SEPARATE AND DISTINCT
13 'WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM'
14 FOR ITS RESOURCE PERSONS AND/OR WITNESSES. THE
15 WITNESS AND/OR RESOURCE PERSON, may be admitted into
16 the Program upon THE WRITTEN APPLICATION AND the
17 recommendation of the legislative committee where [his] THE
18 testimony is needed when in its judgment there is a pressing
19 necessity FOR THE WITNESS' TESTIMONY OR THE PRODUCTION
20 OF DOCUMENTS OR EVIDENCE IN POSSESSION OR CUSTODY
21 OF THE WITNESS: *Provided,* That such recommendation is
22 approved by the President of the Senate or the Speaker of the House
23 of Representatives, as the case may be.

24 "THE SENATE OF THE PHILIPPINES OR THE HOUSE OF
25 REPRESENTATIVES, AS THE CASE MAY BE, SHALL HAVE
26 PRIMARY JURISDICTION IN THE ADMINISTRATION AND
27 IMPLEMENTATION OF THE LEGISLATIVE WITNESS PROTECTION,
28 SECURITY AND BENEFIT PROGRAM. CONGRESS MAY
29 REQUEST THE NECESSARY ASSISTANCE FROM ANY
30 DEPARTMENT, BUREAU, OFFICE OR ANY OTHER EXECUTIVE
31 AGENCY TO ASSIST IN THE IMPLEMENTATION OF THE
32 PROGRAM: *PROVIDED,* HOWEVER, THAT IN THE EVENT THAT A
33 CRIMINAL CASE HAS BEEN INSTITUTED, FOR PRELIMINARY
34 INVESTIGATION OR TRIAL IN THE COURT, IN RELATION TO THE
35 SUBJECT OF THE LEGISLATIVE INQUIRY, ANY WITNESS TO THE
36 CRIMINAL CASE COVERED BY THE LEGISLATIVE WITNESS
37 PROTECTION, SECURITY AND BENEFIT PROGRAM SHALL UPON
38 THE RECOMMENDATION OF THE LEGISLATIVE COMMITTEE
39 CONCERNED, BE TURNED OVER TO THE WITNESS
40 PROTECTION, SECURITY AND BENEFIT PROGRAM
41 ADMINISTERED BY THE DEPARTMENT OF JUSTICE: *PROVIDED,*
42 *FURTHER,* THAT ANY WITNESS TO A CRIMINAL CASE WHO IS
43 COVERED BY THE PROGRAM ADMINISTERED BY THE
44 DEPARTMENT OF JUSTICE SHALL CONTINUE TO BE COVERED
45 AND SHALL REMAIN UNDER SUCH PROGRAM
46 NOTWITHSTANDING ANY LEGISLATIVE INQUIRY THAT MAY BE
47 INITIATED THEREAFTER WHERE SUCH WITNESS MAY BE
48 CALLED UPON TO TESTIFY AS A RESOURCE PERSON.

49 "ANY WITNESS COVERED BY THE LEGISLATIVE WITNESS
50 PROTECTION, SECURITY AND BENEFIT PROGRAM SHALL ENJOY

1 THE SAME RIGHTS AND BENEFITS, BEAR THE SAME
2 RESPONSIBILITIES AND SHALL BE SUBJECT TO THE SAME
3 CONDITIONS AS PROVIDED FOR IN THIS ACT.

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

9 SEC. 5. *Memorandum of Agreement (MOA) with the Person to be*
10 *Protected.* - BEFORE A WITNESS CAN AVAIL OF THE protection
11 under this Act, he/SHE SHALL ENTER INTO a memorandum of
12 agreement WITH THE DEPARTMENT, which shall set forth his/HER
13 SPECIFIC 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
20 of the facts concerning the protection provided under this Act;

21 d) To comply with legal obligations and civil judgments against ONE'S
22 PERSON;

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

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

28 G) NOT TO COMMUNICATE WITH ANY ADVERSE PARTY
29 OR 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

32 H) TO COMPLY WITH SUCH OTHER CONDITIONS AS THE
33 SECRETARY OF JUSTICE MAY DEEM PROPER TO IMPOSE FOR
34 THE SUCCESSFUL INVESTIGATION OR PROSECUTION OF THE
35 CASE OR TO PRESERVE THE INTEGRITY OF THE PROGRAM."

36 SEC. 6. *Breach of the Memorandum of Agreement.* - Substantial
37 breach of the memorandum of agreement shall be a ground for the
38 IMMEDIATE termination of the BENEFITS AND protection provided
39 under this Act. The Secretary of Justice shall send WRITTEN notice
40 to the person involved of the termination of the BENEFITS AND
41 protection provided under this Act, stating therein the reason for
42 such termination."

43 SEC. 7. *Confidentiality.* All MATTERS involving admission AND
44 COVERAGE UNDER the Program shall be confidential in nature[-]
45 AND No information or documents RELATIVE THERETO shall be
46 released except upon written order of the Department or the proper
47 court.

48 "Any person who violates the confidentiality of said proceedings shall
49 upon conviction be punished with imprisonment of not less than FOUR

1 (4) YEARS but not more than six (6) years and deprivation of the right
2 to hold a public office or employment for a period of five (5) years.

3 "NO INJUNCTION OR TEMPORARY RESTRAINING ORDER SHALL
4 BE ISSUED BY ANY COURT ENJOINING THE ADMISSION OF THE
5 WITNESS IN THE PROGRAM BY THE DEPARTMENT."

6 **SECTION 8. Rights and Benefits.** - The Witness shall have the RIGHT
7 TO SECURITY AND PROTECTION AS WELL AS THE following
8 benefits:

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

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

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

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

1 "Any Witness who failed to report for work because of witness duty
2 shall be paid BY ONE'S EMPLOYER THE equivalent salaries or
3 wages corresponding to the number of days of absence occasioned by
4 the Program. For purposes of this Act, any fraction of a day shall
5 constitute a full day salary or wage. This provision shall be applicable
6 to both government and private employees.

7 "d) To be provided with reasonable travelling expenses and
8 subsistence allowance by the Program in such amount as the
9 Department may determine for his attendance in the court, body or
10 authority where THE WITNESS' testimony is required, as well as
11 conferences and interviews with prosecutors or investigating officers.

12 "e) To be provided with NECESSARY free medical ATTENTION,
13 treatment, hospitalization and medicines PARTICULARLY for any
14 injury, illness OR ANYOTHER MEDICAL CONDITION incurred or
15 suffered by [him because of] THE WITNESS OR BY THE SPOUSE
16 AND MINOR OR DEPENDENT CHILDREN WHILE ON witness duty
17 OR WHILE IN THE TEMPORARY SHELTER PROVIDED BY THE
18 PROGRAM in any public hospital, clinic, or at any such institution at
19 the expense of the Program.

20 "WITNESS DUTY SHALL INCLUDE THE ATTENDANCE OF THE
21 WITNESS IN THE COURT, BODY OR AUTHORITY WHERE THE
22 TESTIMONY IS REQUIRED AS WELL AS CONFERENCES,
23 INTERVIEWS, AND/OR INVESTIGATIONS WITH PROSECUTORS
24 OR INVESTIGATING OFFICERS. A WITNESS WHO IS RELOCATED
25 TO AN ACCREDITED WITNESS PROTECTION, SECURITY AND
26 BENEFIT PROGRAM TEMPORARY SHELTER SHALL BE
27 CONSIDERED TO BE UNDER WITNESS DUTY FOR THE
28 DURATION OF STAY IN SAID TEMPORARY SHELTER."

29 "f) If a Witness is killed, because of participation in the Program,
30 ~~his~~ THE WITNESS' heirs shall be entitled to a burial benefit of not
31 less than FIVE HUNDRED THOUSAND PESOS (P500,000.00) from
32 the Program exclusive of any other similar benefits ~~he~~ THE WITNESS
33 may be entitled to under other existing laws.

34 "g) THE WITNESS' minor or dependent children shall be entitled to
35 free education AND/OR EDUCATIONAL ASSISTANCE, from primary
36 to college level in any state school, college or university as long as
37 they shall have qualified thereto. THE EDUCATIONAL BENEFITS
38 HEREIN PROVIDED CAN BE AVAILED BY THE WITNESS' MINOR
39 OR DEPENDENT CHILDREN FOR PRIMARY, SECONDARY AND
40 TERTIARY EDUCATION, BUT IN THE LATTER CASE, NOT TO
41 EXCEED FIVE (5) YEARS."

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

44 **SEC. 10. ADMISSION OF OFFENDERS.** - Any person who has
45 participated in the commission of a crime and desires to be a
46 witness for the GOVERNMENT, can apply and, if qualified as
47 determined in this Act and by the Department, shall be admitted
48 into the Program whenever the following circumstances are present:

- 1 a) The offense in which THE testimony will be used is a grave
2 felony as defined under the Revised Penal Code or its equivalent
3 under special laws;
4 b) There is absolute necessity for THE testimony;
5 c) There is no other direct evidence available for the proper
6 prosecution of the offense committed;
7 d) THE testimony can be substantially corroborated on its material
8 points;
9 e) THE PERSON does not appear to be most guilty; and
10 f) THE PERSON has not at any time been convicted of any crime
11 involving moral turpitude.

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

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

26 SEC. 12. *Effect of Admission of a Witness into the Program.* -The
27 certification of admission into the Program by the Department shall
28 be given full faith and credit by the provincial or city prosecutor who is
29 required not to include the Witness in the criminal complaint or
30 information and if included therein, to petition the court for [~~his~~] THE
31 discharge PURSUANT TO THIS ACT in order that [~~he~~] ONE can be
32 utilized as a [~~State~~] Witness FOR THE PROSECUTION.

33 "Admission into the Program shall AUTOMATICALLY entitle such
34 COVERED Witness to immunity from criminal prosecution for the
35 offense or offenses in which THE testimony will be given or used and
36 THE COURT SHALL ORDER THE DISCHARGE AND EXCLUSION
37 OF THE SAID WITNESS FROM THE INFORMATION."

38 **SECTION 3.** A new section (Section 12-A) shall be inserted between Section 12
39 and Section 13 of the same Act, which shall read as follows:

40
41 **SEC. 12-A. PERPETUATION OF TESTIMONY.** – A WITNESS ONCE
42 ADMITTED INTO THE PROGRAM SHALL PERPETUATE THE
43 TESTIMONY PURSUANT TO RULE 134 OF THE REVISED RULES
44 OF COURT."

45 **SECTION 4.** Sections 13, 14, 15 and 17 of the same Act are hereby
46 amended to read as follows:

1 SEC. 13. *Failure or Refusal of the Witness to COOPERATE OR*
2 *Testify.* - "A WITNESS COVERED UNDER THE PROGRAM WHO
3 UNJUSTLY FAILS OR REFUSES TO COOPERATE OR
4 TESTIFY IN THE INVESTIGATION OR PROSECUTION OF
5 A CASE OR WHO GIVES FALSE OR MISLEADING TESTIMONY
6 SHALL BE CRIMINALLY PROSECUTED AND SHALL, UPON
7 CONVICTION, SUFFER THE PENALTY OF IMPRISONMENT OF
8 NOT LESS THAN FOUR (4) YEARS BUT NOT EXCEEDING SIX
9 (6) YEARS. THE WITNESS SHALL ALSO BE REQUIRED
10 TO RESTITUTE ALL THE PROGRAM'S EXPENSES RELATIVE
11 TO HIS COVERAGE WITHOUT PREJUDICE TO
12 PROSECUTION FOR CONTEMPT UNDER OTHER EXISTING
13 LAWS."

14 SEC. 14. *Compelled Testimony.* - Any Witness admitted into the
15 Program to Sections 3 and 10 of this Act cannot refuse to testify
16 or give evidence or produce books, documents, records or writings
17 necessary for the prosecution of the offense or offenses for which
18 ONE has been admitted into the Program on the ground of the
19 constitutional right against self-incrimination. THE WITNESS shall
20 enjoy immunity from criminal prosecution and SHALL NOT be
21 subjected to any penalty or forfeiture for any transaction, matter or
22 thing concerning his compelled testimony or books, documents,
23 records or writings produced.

24 "In case of refusal of THE Witness to testify or give evidence or
25 produce books, documents, records, or writings, on the ground of the
26 right against self-incrimination, and the PUBLIC prosecutor or
27 investigator believes that such evidence is absolutely necessary for
28 a successful prosecution of the offense or offenses charged or
29 under investigation, he, with the prior approval of the Department,
30 shall file a petition with the appropriate court for the issuance of an
31 order requiring said Witness to testify, give evidence or produce the
32 books, documents, records, and writings described, and the court shall
33 issue the proper order.

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

39 SEC. 15. *Contempt.* - No Witness shall be exempt from prosecution
40 for contempt committed while giving testimony or producing
41 evidence under compulsion pursuant to this Act. The procedure
42 prescribed under Rule 71 of the Rules of Court shall be followed in
43 contempt proceedings but the penalty to be imposed shall not be less
44 than one (1) month but not more than one (1) year imprisonment."

45 SEC. 17. *Penalty for Harassment of Witness.* - Any person who
46 harasses a Witness BY REASON OF THE SWORN STATEMENT
47 OR TESTIMONY GIVEN BY THE LATTER, OR WHO ATTEMPTS TO
48 HINDER, DELAY, PREVENT OR DISSUADE THE WITNESS from:

49 a) Attending or testifying before any judicial or quasi-judicial body or
50 investigating authority;

1 b) Reporting to a law enforcement officer or judge the
2 commission or possible commission of an offense, or a violation of
3 conditions or probation. parole, or release pending judicial
4 proceedings;

5 c) Seeking the arrest of another person in connection with the
6 offense;

7 d) Causing a criminal prosecution, or a proceeding for the revocation
8 of a parole or probation; or

9 e) Performing and enjoying the rights and benefits under this Act
10 shall be fined not more than TWENTY THOUSAND PESOS
11 (P20,000.00) or suffer Imprisonment of not less TWO (2)
12 YEARS but not more than FOUR (4) YEARS, OR BOTH.

13 "IN ADDITION, THE PENALTY OF PERPETUAL
14 DISQUALIFICATION FROM HOLDING PUBLIC OFFICE SHALL
15 BE IMPOSED UPON THE OFFENDER WHO IS A PUBLIC
16 OFFICER."
17

18 **SECTION 5.** A new section (Section 17-A) is hereby inserted in Republic Act
19 No. 6981, which shall read as follows:
20

21 SEC. 17-A. *CONSTRUCTION OF PROVISIONS* - IN CASE OF DOUBT,
22 PROVISIONS OF THIS ACT SHALL BE CONSTRUED IN FAVOR OF
23 THE ADMISSION OF THE WITNESS."

24 **SECTION 6. Appropriations.** - The amount necessary to carry out the provisions of
25 this Act shall be included in the annual General Appropriations Act.
26

27 **SECTION 7. Rules and Regulations.** - The Department of Justice shall promulgate
28 the necessary rules and regulations to implement this Act.

29 **SECTION 8. Separability Clause.** - If any section or provision of this Act shall
30 be declared unconstitutional or invalid, such shall not invalidate any other section of
31 this Act.

32 **SECTION 9. Repealing Clause.** - All laws, decrees, orders, rules, regulations,
33 ordinances or parts thereof which are inconsistent with this Act are hereby repealed
34 or modified accordingly.

35 **SECTION 10. Effectivity Clause.** - This Act shall take effect fifteen (15) days
36 after its complete publication in at least two (2) general newspapers of national
37 circulation.