

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 908

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	<u>04 JUL 2016</u>
TIME:	<u>3:22pm</u>
BY:	<u>[Signature]</u>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by Honorable Fredenil H. Castro

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 APPROPRIATING
ADDITIONAL FUNDS THEREFOR

EXPLANATORY NOTE

The three (3) branches of the government, the Executive, the Legislative, and the Judicial, were created to complement and support each other. An equally important role of the said three (3) branches is to serve and act as check and balance for one another. The Legislative branch --- both the Senate and the House of Representatives --- aside from their law making function, has further taken an active role in checking and/or investigating the abuses and failures of government officials. In discharging this function of investigating corrupt and erring public officials, witnesses and whistle-blowers play an important role in bringing out the truth and ultimately, for the successful prosecution of those corrupt and erring government officials. However, conflict arises when the government officials being investigated are from the executive branch, which is also the branch in-charge of witness protection.

Accordingly, it is necessary that the Senate and the House of Representative have their own separate witness protection, security and benefit program for their own resource persons and/or witnesses.

Hence, the approval of this bill is fervently sought.


FREDENIL H. CASTRO

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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 THEREFOR

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

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

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

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

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

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

"d) [He] **THE WITNESS** is not a law enforcement officer, [even if he would be testifying] **UNLESS THE TESTIMONY TO BE GIVEN WILL BE** against other law enforcement officers [in such a

case, only the immediate members of his family may avail themselves of the protection provided for under this Act.] ”

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

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

'THE SENATE OF THE PHILIPPINES OR THE HOUSE OF REPRESENTATIVES, AS THE CASE MAY BE, SHALL HAVE PRIMARY JURISDICTION IN THE ADMINISTRATION AND IMPLEMENTATION OF THE LEGISLATIVE WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM. CONGRESS MAY REQUEST THE NECESSARY ASSISTANCE FROM ANY DEPARTMENT, BUREAU, OFFICE OR ANY OTHER EXECUTIVE AGENCY TO ASSIST IN THE IMPLEMENTATION OF THE PROGRAM: PROVIDED, HOWEVER, THAT IN THE EVENT THAT A CRIMINAL CASE HAS BEEN INSTITUTED, FOR PRELIMINARY INVESTIGATION OR FILING OF A CASE IN COURT, IN RELATION TO THE SUBJECT OF THE LEGISLATIVE INQUIRY, ANY WITNESS TO THE CRIMINAL CASE COVERED BY THE LEGISLATIVE WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM SHALL BE TURNED OVER TO THE WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM ADMINISTERED BY THE DEPARTMENT OF JUSTICE: PROVIDED, FURTHER, THAT ANY WITNESS TO A CRIMINAL CASE WHO IS COVERED BY THE PROGRAM ADMINISTERED BY THE DEPARTMENT OF JUSTICE SHALL CONTINUE TO BE COVERED AND SHALL

REMAIN UNDER SUCH PROGRAM NOTWITHSTANDING ANY LEGISLATIVE INQUIRY THAT MAY BE INITIATED THEREAFTER WHERE SUCH WITNESS MAY BE CALLED UPON TO TESTIFY AS A RESOURCE PERSON.

"ANY WITNESS COVERED BY THE LEGISLATIVE WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM SHALL ENJOY THE SAME RIGHTS AND BENEFITS, BEAR THE SAME RESPONSIBILITIES AND SHALL BE SUBJECT TO THE SAME CONDITIONS AS PROVIDED FOR IN THIS ACT.

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

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

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

"b) To avoid the commission of a crime;

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

"d) To comply with legal obligations and civil judgments against [him] ONE'S PERSON,

"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] current activities and address[.];

"G) NOT TO 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 Memorandum of Agreement.*-- Substantial breach of the memorandum of agreement shall be a ground for the

