Representative H. CASTRO

Hence, the approval of this bill is hereby sought.

and/or witnesses,

own separate witness protection, security and benefit program for their own resource persons.

Accordingly, it is necessary that the Senate and the House of Representatives have their

bills, which is also the purpose of witness protection.

However, the Senate has already enacted the necessary bill into law from the executive

branches. In discharging the function of investigating, correlating and collecting
government officials in discharging their duties is a problem of investigating, correlating and collecting

branches, where an active role in checking and/or investigating the branches and offices of

The three (3) branches of the Government, the Executive, the Legislative, and the Judicial.

EXPLANATORY NOTE

ADDITIONAL FUNDS FOR THE WITNESS PROTECTION, SECURITY AND BENEFIT ACT, AND APPROPRIATING
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6981, OTHERWISE KNOWN AS
STRENGTHENING THE WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM,

AN ACT

Introduced by Representative H. Castro

House Bill No. 1384

First Regular Session

EIGHTEENTH CONGRESS

Republic of the Philippines

Quezon City

REPRESENTATIVES

RECEIVED

INDEX DIVISION

2019

Jul 4 2019
HOUSE BILL NO. 1384

HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

REPUBLI OF THE PHILIPPINES

EIGHTEENTH CONGRESS

TO BE AGGRAVATED OTHER LAW ENFORCEMENT OFFICERS IN SUCH A CASE IF THE TEXAS COURT OF APPEALS IN A CASE BARRED OR PRECLUDED FROM紋 ON ACCOUNT OF THE WITNESS' CONFESSION OR PLEDGE OR OATH, OR OF THE PRECEDED AUTHORITY IS SUBJECTED TO THEM IN ANY MANNER WITHIN THE SECOND FIRST DEGREE OF CONSPIRACY OR THE WITNESS FAMILY WITHIN THE SECOND YESTERDAY WHEREOF A TRUE COPY OF THIS FIRST DEGREE OF CONSPIRACY OR THE WITNESS FAMILY WITHIN THE SECOND YESTERDAY WHEREOF A TRUE COPY OF THIS

WITNESS Protection, Security and Benefit, Act, as H. R.

1, 2. Admission into the Program: Provided, That: a) the witness shall be one who has been found guilty of a felony under the penalty Code or as otherwise known in the Philippines in Congress.

BILL NO. 1384, PROVIDING ADDITIONAL FUNDS THEREFOR, OTHERWISE KNOWN AS THE "WITNESS Protection, Security and Benefit, Act, as H. R.

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SEC. 4. WITNESS IN LEGISLATIVE INVESTIGATIONS. - In case of legislative investigations in aid of legislation, it shall be the duty of the Senate, in case of the House of Representatives, as the case may be, to issue a subpoena requiring the attendance of witnesses, and to compel the production of books, papers, correspondence, and other documentary evidence for the purpose of inquiring into the facts or circumstances relating to any such investigation. Any witness who shall fraudulently fail to appear at any such investigation or to answer any questions proposed to be asked him, shall be subject to punishment by the courts of justice of the Republic of the Philippines.

Provided, That any witness who shall fail to appear at any such investigation or to answer any questions proposed to be asked him, shall be subject to punishment by the courts of justice of the Republic of the Philippines.
INTEGRITY OF THE PROGRAM.

PROSECUTION OF THE CASE OR TO PROSECUTE THE
IMPOSE FOR THE SUCCESSFUL INVESTIGATION OR
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THE SECRETARY OF JUSTICE MAY DEEM PROPER TO
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PARTY OR NEGOTIATE FOR OR ENTER INTO AN AMICABLE
NOT TO COMMUNICATE WITH ANY ADVERSE

CURRENT OFFICERS AND EMPLOYEES OF THE GOVERNMENT WHO ARE PROVIDING PROTECTION
OFFICERS AND EMPLOYEES OF THE GOVERNMENT WHO ARE PROVIDING PROTECTION
OF THE OFFICIAL OR OTHER RESPONSIBLE PERSON.

WHO IS ONE PERSON

WHO IS ONE PERSON

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CONCERNING THE MENTAL OR THE ACTIVITIES INVOLVED IN THE OFFENSE

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SECURITY AND BENEFIT PROGRAM AND PROMULGATE

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TO EFFECTIVELY CARRY OUT THIS ACT.
TO EFFECTIVELY CARRY OUT THIS ACT.

THE SAME CONDITIONS AS PROVIDED FOR IN THIS ACT.
THE SAME CONDITIONS AS PROVIDED FOR IN THIS ACT.

SHALL ENJOY THE SAME RIGHTS AND BENEFITS BEAR
SHALL ENJOY THE SAME RIGHTS AND BENEFITS BEAR

WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM
WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM

ANY WITNESS COVERED BY THE LEGISLATIVE
ANY WITNESS COVERED BY THE LEGISLATIVE

LEGISLATIVE INQUIRY THAT MAY BE CALLED
LEGISLATIVE INQUIRY THAT MAY BE CALLED

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REMAIN UNDER SUCH PROGRAM NOTWITHSTANDING ANY

"SEC. 5. MEMORANDUM OF AGREEMENT (MOA) WITH THE PERSON TO BE
"SEC. 5. MEMORANDUM OF AGREEMENT (MOA) WITH THE PERSON TO BE

"SEC. 6. BREACH OF MEMORANDUM OF AGREEMENT -- SUBSTANTIAL
ENSURES THE CONFIDENTIALITY OF THE PROCEEDINGS.

THEIR RESPECTIVE REGISTRATIONS IN SUCH A MANNER THAT
GOVERNMENT TO MAKE THE NECESSARY ENTRIES IN
THEIR RESPECTIVE RECORDS. ALL CONCERNED AGENCIES OF THE
MAY DIRECT ALL CONCERNED AGENCIES OF THE
JURISDICTION ORDER OR ADMINISTRATIVE PROCEEDINGS.
WITNESS COVERED, WITHOUT NEED OF A SEPARATE
WARNING, MIDDLE NAME AND/OR FAMILY NAME OF THE
NAME, MIDDLE NAME AND/OR FAMILY NAME OF THE
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APPLICATION OR THE WITNESS COVERED UNDER THE
A CHANGE IN PHYSIOLOGICAL APPEARANCE OR CHANGE
A CHANGE IN PHYSICAL APPEARANCE MAY INCLUDE

SEC. 8. RIGHTS AND BENEFITS—THE WITNESS SHALL HAVE THE RIGHT TO
SECURITY AND PROTECTION AS WELL AS THE FOLLOWING

DEPARTMENT.

ADMISSION OF THE WITNESS IN THE PROCEEDING THE
ORDER SHALL BE ISSUED BY ANY COURT ENDING THE
NO INJUNCTION OR TEMPORARY RESTRAINING
ORDER INFRINGEMENT OF THE PERSON'S RIGHT TO HOLD A PUBLIC OFFICE OR EMPLOYMENT FOR A PERIOD
OF FIVE (5) YEARS.

DEPARTMENT, SUPPLEMENTED IN SUPPORT THEREOF [RELATIVE TO
RELATIVE TO THE PROGRAM AND THE ACTION TAKEN THEREIN], SHALL BE
APPLICATION FOR PROTECTION AND PROTECTION

MATTERS INFRINGEMENT [APPLICATION FOR PROTECTION AND PROTECTION
SEC. 7. CONFIDENTIALITY OF PROCEEDINGS; ALL [PROCEEDINGS]
MATION]

PROVIDED UNDER THIS ACT, SHALL BE THE REASON FOR SUCH TCM
IMMEDIATE REMOVAL OF THE WITNESS AND PROTECTION PROVIDED
IMMEDIATE REMOVAL OF THE WITNESS AND PROTECTION PROVIDED
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IMMEDIATE REMOVAL OF THE WITNESS AND PROTECTION PROVIDED
SHELTER:

The duration of stay in said temporary shelter shall be considered to be under witness protection. SEC 12. Any police officer, witness, or person required to appear before the witness protection program, in accordance with this act, shall be given the same protection afforded to the department.

WITNESS:

The department shall, whenever practicable, assist the

AND AVOID A DISCLOSURE OF THE IDENTITY OF THE WITNESS.
requirements of this Act. Nothing in this Act shall prevent the
program if be completed upon compliance with the other
precautions of Court may, upon [its] petition, be dismissed in the
section of the sheriff. On 17 of the
WITNESS pursuant to sections 9 and 10 [SECTION 17 OF THE RULE 119 OF THE
ACCUSED] may or be a piece
An accused discharged from an information of criminal
charges involving moral turpitude.

[the person] has not at any time been convicted of any
material point.

[the person] does not appear to be most guilty, and
prosecution of the offense committed.

there is no other direct evidence available for the proper
under special rules.

prosecution. Any evidence admissible under the Revised Penal Code or its
present

amended into the program whenever the following circumstances are
satisfied as determined in this Act and by the Department, shall be
[f] the [GOVERNMENT] may apply and if
person as a witness for the [State] GOVERNMENT.

"SCH. 10 [STATE WITNESS] ADJUDICATION OF OFFENSES— ANY

SEC. 2. Sections 10 and 12 of the same Act are hereby amended to read as

NOT TO EXCEED FIVE (5) YEARS.

AND TERMINARY EDUCATION, BRT IN THE LATTER CASE;

OR DEPENDENT CHILDREN FOR PRIMARY, SECONDARY

PROVIDED CAN BE AVALIYED BY THE WITNESS.

QUOTED HEREINAFTER, THE EDUCATIONAL BENEFITS

SECONDARY OR DEPENDENT CHILDREN FOR PRIMARY, SECONDARY

[the witness] in the case of death or confinement in incapacity. This [the

WITNESS] in the case of death or confinement in incapacity. This [the

WITNESS] may or be excused or any other similar reasons [the [WITNESS]

Program, [the witness] having been or committed to a mental

Program. [the witness] is killed because of [his] participation in the

(6) [the witness] is killed because of [his] participation in the
CASE OR WHO GIVES FALSE TESTIMONY OF A WITNESS COVERED UNDER THE PROGRAM.

procedures...

The procedure of the said witness as the alleged accused from the information.

[Since 12.17 of the Act read as follows]

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

THE REPEALED RULES OF COURT.

This Act was enacted to the testimony pursuant to the Program and the Program is hereby read as follows.

SECTION 3. A new section (section 12A) shall be inserted between Section 12 and Section


The Court shall discharge the said witness from the information. The Court shall discharge the said witness from the information if the witness is not subject to the Program for the prosecution of the witness. The Court shall discharge the said witness from the information if the witness is not subject to the Program for the prosecution of the witness. The Court shall discharge the said witness from the information if the witness is not subject to the Program for the prosecution of the witness.
To hinder, delay, prevent or discourage the testimony given by the latter or who attempts to prevent the sworn statement or evidence of a witness and thereby hinders, delays, prevents or discourages a witness from testifying, any person who punishes, or

"SEC. 17. Penalty for Hinderance of Witness.—Any person who punishes, hinders, or retards the giving of the testimony of a witness or who obstructs, retards, or prevents the giving of the testimony of a witness in connection with the deposition or examination of a witness shall be punished by a fine of not less than ten thousand dollars and imprisonment for not more than five years, or both, and the court may order the person restrained from doing or permitting the act alleged to be a violation of this section.

"SEC. 15. Penalty on Commission of Witness.—No witness shall be exempt from liability for criminal contempt or civil contempt committed while giving testimony or producing books, documents, records, or writings on the ground of the right of consultation with counsel. Any witness who acts under the direction of counsel shall be deemed to have been committed to contempt under this section.

"SEC. 14. Comission of Testimony.—Any witness admitted into the service of the court, or who is certified to be qualified to be a witness, or who is called as a witness on the ground of the right of consultation with counsel, shall be deemed to be a witness for the purpose of this section.

"SEC. 13. Penalty for Contempt of Court.—Any person who willfully violates any rule of court or any order of the court shall be punished by a fine of not less than one thousand dollars and imprisonment for not more than one year, or both.

"SEC. 12. Penalty for Contempt of Witness.—Any person who willfully violates any rule of court or any order of the court shall be punished by a fine of not less than one thousand dollars and imprisonment for not more than one year, or both.

"SEC. 11. Penalty for Hinderance of Witness.—Any person who punishes, hinders, or retards the giving of the testimony of a witness or who obstructs, retards, or prevents the giving of the testimony of a witness in connection with the deposition or examination of a witness shall be punished by a fine of not less than ten thousand dollars and imprisonment for not more than five years, or both, and the court may order the person restrained from doing or permitting the act alleged to be a violation of this section.

"SEC. 10. Penalty for Contempt of Court.—Any person who willfully violates any rule of court or any order of the court shall be punished by a fine of not less than one thousand dollars and imprisonment for not more than one year, or both.

"SEC. 9. Penalty for Contempt of Witness.—Any person who willfully violates any rule of court or any order of the court shall be punished by a fine of not less than one thousand dollars and imprisonment for not more than one year, or both.

"SEC. 8. Penalty for Hinderance of Witness.—Any person who punishes, hinders, or retards the giving of the testimony of a witness or who obstructs, retards, or prevents the giving of the testimony of a witness in connection with the deposition or examination of a witness shall be punished by a fine of not less than ten thousand dollars and imprisonment for not more than five years, or both, and the court may order the person restrained from doing or permitting the act alleged to be a violation of this section.

"SEC. 7. Penalty for Contempt of Court.—Any person who willfully violates any rule of court or any order of the court shall be punished by a fine of not less than one thousand dollars and imprisonment for not more than one year, or both.

"SEC. 6. Penalty for Contempt of Witness.—Any person who willfully violates any rule of court or any order of the court shall be punished by a fine of not less than one thousand dollars and imprisonment for not more than one year, or both.

"SEC. 5. Penalty for Hinderance of Witness.—Any person who punishes, hinders, or retards the giving of the testimony of a witness or who obstructs, retards, or prevents the giving of the testimony of a witness in connection with the deposition or examination of a witness shall be punished by a fine of not less than ten thousand dollars and imprisonment for not more than five years, or both, and the court may order the person restrained from doing or permitting the act alleged to be a violation of this section.

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"SEC. 3. Penalty for Contempt of Witness.—Any person who willfully violates any rule of court or any order of the court shall be punished by a fine of not less than one thousand dollars and imprisonment for not more than one year, or both.

"SEC. 2. Penalty for Hinderance of Witness.—Any person who punishes, hinders, or retards the giving of the testimony of a witness or who obstructs, retards, or prevents the giving of the testimony of a witness in connection with the deposition or examination of a witness shall be punished by a fine of not less than ten thousand dollars and imprisonment for not more than five years, or both, and the court may order the person restrained from doing or permitting the act alleged to be a violation of this section.

"SEC. 1. Penalty for Contempt of Court.—Any person who willfully violates any rule of court or any order of the court shall be punished by a fine of not less than one thousand dollars and imprisonment for not more than one year, or both.
SECTION 10. Effectivity Clause—This Act shall take effect fifteen (15) days after its complete publication in at least two (2) general newspapers of national circulation.

Accordingly,

SECTION 9. Repealing Clause—All laws, decrees, orders, rules, regulations, ordinances and

acts declared unconstitutional or invalid, except shall not invalidate any other section of this

section or provision of this Act.

SECTION 8. Separating Clause—If any section of this Act shall be

nullified or declared unconstitutional, the necessary parts and regulations to implement this Act

which shall remain in effect as follows:

SECTION 7. Rules and Regulations—The Department of Justice shall promulgate the

necessary rules and regulations to implement the provisions of this Act

WITNESS:

CONTRACTION OF THE ADIVISION OF THE

DOUBLE ANY PROVISION OF THIS ACT. AS

PUBLIC OFFICER.

IN ADDITION, THE PENALTY OF PERPETUAL

DISQUALIFICATION FROM HOLDING PUBLIC OFFICE

shall be imposed upon the offender who is a

IN the case of a public officer [a permanent],[b] [the penalty of perpetual disqualification from holding public office

more than five (5) years], [four

YEARS] (a) (1) [f] [the penalty of perpetual disqualification from the public service, which shall

no less than six (6) months] [two (2) YEARS] [20,000 pesos (P20,000)] [200,000 pesos (P200,000)]

or shall be between ten thousand pesos (P10,000) and one hundred thousand pesos (P100,000) for

arrests to 30 shall be fixed not more than one thousand thousand pesos (P1,000,000) for the

commission of any offense or violation of any violation of the Act.

(b) [a subjective penalty] [pursuant to the provisions of Republic Act No. 6981]

SEC. 17-A. CONSTRUCTION OF PROVISIONS. IN CASE OF

PUBLIC OFFICE, or a proceeding of a procedure for the

offense:

SECTION 6. Appropriations—The amount necessary to carry out the provisions of this Act

shall be included in the annual General Appropriations Act.

SECTION 5. A new section (Section 17-A) is hereby inserted in Republic Act No. 6981