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SENATE
S. No. 2433

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING REPUBLIC ACT NO. 6981, OTHERWISE KNOWN AS THE WITNESS
PROTECTION, SECURITY AND BENEFIT ACT

EXPLANATORY NOTE

The Constitution, Article 2, Section 5 provides:

Section 5. The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

The Constitution, Article 2, Section 27 provides:

Section 27. The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption.

Professor Philip Alston, United Nations' Special Rapporteur on extra-judicial, summary or arbitrary executions, recommended reforms to the Witness Protection Program (WPP) of the Philippines during the Human Rights Council held in April 2008. He claims that Republic Act No. 6981, also known as the Witness Protection, Security and Benefit Act, is deeply flawed.¹

Alston reported that the WPP is built on political control. Thus, a problem arises in highly political cases involving high-ranking government officials. According to Alston, the Department of Justice (DOJ), in such cases, lacks the independence and credibility to effectively protect witnesses testifying against government officials or members of the security forces accused of perpetrating crimes. For example, in order to avoid being under the control of the DOJ, the Commission on Human Rights (CHR), had to develop their own witness protection program, notably for cases involving human rights violations by State-agents.

Alston also noted the uneven application of the law. Currently, the law does not provide protection to policemen and the military, even if they were to testify against their superiors. As a result, these officers decide not to step forward and speak out against anomalies involving their superiors. Alston added that officers who do speak out against their superiors' anomalies either testify without protection or pay the National Bureau of Investigation a certain fee to extend protection and security to themselves and their families.

Aside from these, it is also lamentable that families of witnesses under the WPP will receive, as a minimum, only ₱10,000, if their family member under the protection of the WPP is killed during his participation in the program.

¹ Reforms required to protect witnesses in the Philippines. <<http://www.humanrights.asia/resources/journals-magazines/article2/1001/appendix-reforms-required-to-protect-witnesses-in-the-philippines>>. Last accessed 11 October 2014.

transferring the primary responsibility of the witnesses' protection and security to the Commission on Human Rights, an independent body created under the Constitution. This bill also seeks to admit into the program law enforcement officers, who are testifying against their superiors. In addition, this bill aims to increase the financial assistance for heirs of murdered witnesses who were under the WPP.

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MIRIAM DEFENSOR SANTIAÑO

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

1 AN ACT
2 AMENDING REPUBLIC ACT NO. 6981, OTHERWISE KNOWN AS THE WITNESS
3 PROTECTION, SECURITY AND BENEFIT ACT

4 SECTION 1. Sections 2, 3, and 8 of Republic Act No. 6981, otherwise known as the
5 Witness Protection, Security and Benefit Act are hereby amended to read as follows:

6 "Sec. 2. Implementation of Program. - The Department of Justice,
7 hereinafter referred to as the Department, through its Secretary, shall formulate
8 and implement a "Witness Protection, Security and Benefit Program", hereinafter
9 referred to as the Program, pursuant to and consistent with the provisions of this
10 Act.

11 The Department may call upon any department, bureau, office or any
12 other executive agency to assist in the implementation of the Program and the
13 latter offices shall be under legal duty and obligation to render such assistance.

14 HOWEVER, IN CASES WHERE THE WITNESS WILL BE
15 TESTIFYING AGAINST HIGH-RANKING GOVERNMENT OFFICIALS OR
16 MEMBERS OF SECURITY FORCES ACCUSED OF PERPETRATING
17 CRIMES, AND WHERE THE WITNESS FALLS UNDER SECTION 3 (D) OF
18 THIS RULE, THE DEPARTMENT SHALL CREATE AN INDEPENDENT
19 AND SPECIAL SECURITY FORCE TO ENSURE THE SAFETY OF SUCH
20 WITNESSES.

21 HIGH-RANKING GOVERNMENT OFFICIALS ARE THOSE WHO
22 ENJOY A SALARY GRADE OF 27 AND ABOVE.

23 Sec. 3. Admission in the Program. - Any person who has witnessed or has
24 knowledge or information on the commission of a crime and has testified or is
25 testifying or about to testify before any judicial or quasi-judicial body, or before
26 any investigating authority, may be admitted into the Program:

27

28 (d) he is not a law enforcement officer, [even if he would be testifying]
29 UNLESS THE TESTIMONY TO BE GIVEN WILL BE against other law
30 enforcement officers. In such a case, [only] the immediate members of his family
31 may ALSO avail themselves of the protection provided for under this Act.

32 Sec. 8. Rights and Benefits. - The witness shall have the following rights
33 and benefits:

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(f) If a Witness is killed, because of his participation in the Program, his heirs shall be entitled to a burial benefit and FINANCIAL ASSISTANCE of not less than SEVENTY FIVE THOUSAND PESOS (₱75,000.00) from the Program exclusive of any other similar benefits he may be entitled to under other existing laws.

(G) IF A WITNESS IS KILLED, BECAUSE OF HIS PARTICIPATION IN THE PROGRAM, HIS DEPENDENT CHILDREN, UP TO THE FOURTH CHILD, SHALL BE ENTITLED TO EDUCATIONAL ASSISTANCE OF UP TO A MAXIMUM OF FIFTY THOUSAND PESOS (₱50,000.00) PER SEMESTER, UNTIL THE DEPENDENT FINISHES FROM TERTIARY EDUCATION.

THE DEPARTMENT SHALL REVIEW THE AMOUNTS EVERY FIVE YEARS, AND SHALL SUBMIT A REPORT TO CONGRESS AT THE END OF THE FIFTH YEAR, ON WHETHER ADJUSTMENTS SHOULD BE MADE TO SUCH FINANCIAL AIDS.”

SECTION 2. *Repealing Clause.* - All laws, decrees, orders, proclamation, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen days (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

/mant14October2014