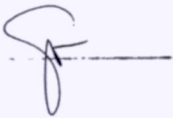


SENATE  
S. B. NO. 615

'19 JUL 18 P1:35

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Introduced by **SENATOR JOEL VILLANUEVA**

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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," APPROPRIATING FUNDS THEREFOR  
AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Witnesses are indispensable in the success of prosecuting administrative and criminal cases, or even legislative inquiries in aid of legislation. They are essential in finding the truth of a matter under investigation. Oftentimes, however, agreeing to be a witness comes at a tremendous cost for the witness. Their lives, property, reputation, and safety, as well as those of their family, become the subject of threats, intimidation, harassment or physical violence. Thus, it is incumbent upon the State to step in to ensure their safety and welfare.

In 1991, Congress addressed these concerns by enacting Republic Act No. 6981, otherwise known as the "Witness Protection, Security and Benefit Act." However, this Act must be amended to further strengthen the protection provided to witnesses under the Program.

This bill aims to provide more benefits to witnesses and their family members, such as increasing the educational benefits given to the children of the witness. These benefits aim to encourage witnesses to speak out the truth in vital investigations and in the pursuit of justice.

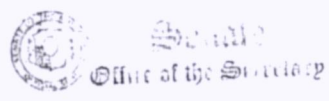
This bill also increases the penalties against witnesses who unjustly fail to cooperate in testifying in investigations, by compelling them to reimburse all expenses spent on his protection. This is to ensure that the State will not waste precious resources on individuals who have already availed of the benefits of the program and yet renege on their duty to aid in the prosecution of a case.

By providing further benefits and strengthening the protections given to witnesses, the rule of law will be protected.

The immediate passage of this bill is earnestly sought.

  
SENATOR JOEL VILLANUEVA

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



SENATE  
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**AN ACT STRENGTHENING THE WITNESS PROTECTION,  
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"WITNESS PROTECTION, SECURITY AND BENEFIT ACT,"  
APPROPRIATING FUNDS THEREFOR  
AND FOR OTHER PURPOSES**

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

- 1 **SECTION 1.** Sections 3, 5, 6, 7 and 8 of Republic Act No. 6981, otherwise
- 2 known as the "Witness Protection, Security and Benefit Act," are hereby
- 3 amended to read as follows:
- 4
- 5 SEC. 3. Admission into the Program. - Any person who has
- 6 witnessed or has knowledge or information on the commission of a
- 7 crime and has testified or is testifying or about to testify before any
- 8 judicial or quasi-judicial body, or before any investigating authority,
- 9 may be admitted into the Program:
- 10
- 11 Provided, That:
- 12
- 13 a) The offense [in] FOR which [his] THE testimony will be used is a
- 14 grave felony as defined under the Revised Penal Code, or its
- 15 equivalent under special laws;
- 16
- 17 b) [his] THE testimony can be substantially corroborated in its
- 18 material points;
- 19
- 20 c) [he] THE WITNESS or any member of [his] THE WITNESS'
- 21 family within the second civil degree of consanguinity or affinity is
- 22 subjected to threats to life or bodily injury or there is a likelihood



1 that [he] THE WITNESS will be killed, forced, intimidated, harassed  
2 or corrupted [to prevent him] SO AS TO BE PREVENTED from  
3 testifying, or to testify falsely or evasively, because or on account of  
4 [his] THE testimony GIVEN; and  
5

6 d) [he] THE WITNESS is not a law enforcement officer, [even if he  
7 would be testifying] UNLESS THE TESTIMONY TO BE GIVEN  
8 WILL BE against other law enforcement officer(s).  
9

10 If the Department, after examination of said applicant and other  
11 relevant facts, is convinced that the requirements of this Act and its  
12 implementing rules and regulations have been complied with, it  
13 shall admit said applicant to the Program, require said witness to  
14 execute a sworn statement detailing [his] THE WITNESS'  
15 knowledge or information on the commission of the crime, and  
16 thereafter issue the proper certification. For purposes of this Act,  
17 any such person admitted to the Program shall be known as the  
18 Witness.  
19

20 SEC. 5. Memorandum of Agreement (MOA) with the Person to be  
21 Protected. - Before a [person is provided] WITNESS CAN AVAIL  
22 OF THE protection under this Act, he/SHE shall [first execute]  
23 ENTER INTO a memorandum of agreement WITH THE  
24 DEPARTMENT, which shall set forth his/HER SPECIFIC  
25 responsibilities including:  
26

27 a) To testify before and provide information to all appropriate law  
28 enforcement officials concerning all appropriate proceedings in  
29 connection with or arising from the activities involved in the offense  
30 charged;  
31

32 b) To avoid the commission of a crime;  
33

34 c) To take all necessary precautions to avoid detection by others of  
35 the facts concerning the protection provided under this Act;  
36

37 d) To comply with legal obligations and civil judgments against  
38 him/HER;  
39

40 e) To cooperate with respect to all reasonable requests of officers  
41 and employees of the Government who are providing protection  
42 under this Act; [and]  
43

44 f) To regularly inform the appropriate program official of his/HER  
45 current activities and address;  
46

47 G) TO NOT COMMUNICATE WITH ANY ADVERSE PARTY OR  
48 NEGOTIATE FOR OR ENTER INTO, AN AMICABLE  
49 SETTLEMENT ON THE CIVIL OR CRIMINAL ASPECT OF THE  
50 OFFENSE SUBJECT OF THE CASE OR INVESTIGATION; AND

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

7  
8 SEC. 6. Breach of the Memorandum of Agreement. - Substantial  
9 breach of the memorandum of agreement shall be a ground for the  
10 IMMEDIATE termination of the BENEFITS AND protection provided  
11 under this Act[:Provided, however, That before terminating such  
12 protection]. The Secretary of Justice shall send WRITTEN notice to  
13 the person involved of the termination of the BENEFITS AND  
14 protection provided under this Act, stating therein the reason for  
15 such termination.

16  
17 SEC. 7. CONFIDENTIALITY [of proceedings]. All [proceedings]  
18 MATTERS involving [application for] admission [into] AND  
19 COVERAGE UNDER the Program [and the action taken thereon]  
20 shall be confidential in nature. No information or documents [given  
21 or submitted in support thereof] RELATIVE THERETO shall be  
22 released except upon written order of the Department or the proper  
23 court.

24  
25 Any person who violates the confidentiality of said proceedings  
26 shall upon conviction be punished with imprisonment of not less  
27 than [one (1) year] FOUR (4) YEARS but not more than six (6)  
28 years and deprivation of the right to hold a public office or  
29 employment for a period of five (5) years.

30  
31 NO INJUNCTION OR TEMPORARY RESTRAINING ORDER  
32 SHALL BE ISSUED BY ANY COURT ENJOINING THE  
33 ADMISSION OF THE WITNESS IN THE PROGRAM BY THE  
34 DEPARTMENT.

35  
36 SEC. 8. Rights and Benefits. - The Witness shall have the RIGHT  
37 TO SECURITY AND PROTECTION AS WELL AS THE following  
38 [rights and] benefits:

39  
40 a) To have a secure housing facility until [he] THE WITNESS has  
41 testified or until the threat, intimidation or harassment disappears or  
42 is reduced to a manageable or tolerable level. When the  
43 circumstances warrant, the Witness shall be entitled to relocation  
44 and/or change of personal identity at the expense of the Program.  
45 This right TO A SECURE HOUSING FACILITY AND RELOCATION  
46 may be extended to any member of the family of the Witness within  
47 the second [civil] degree of consanguinity or affinity UPON  
48 SATISFACTION OF THE REASONABLE CONDITIONS THE  
49 DEPARTMENT SHALL HEREAFTER CLEARLY SET FORTH.  
50



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  
4 Program in such amount and for such duration as the Department  
5 shall determine.

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

20  
21 Any Witness who failed to report for work because of witness duty  
22 shall be [paid his] GIVEN AN ALLOWANCE BY THE  
23 DEPARTMENT equivalent TO THE WITNESS' salaries or wages  
24 corresponding to the number of THE WITNESS' days of absence  
25 FROM WORK occasioned by the Program. For purposes of this  
26 Act, any fraction of a day shall constitute a full day [salary or wage].  
27 This provision shall be applicable to both government and private  
28 employees.

29  
30 d) To be provided with reasonable travelling expenses and  
31 subsistence allowance by the Program in such amount as the  
32 Department may determine for his attendance in the court, body or  
33 authority where [his] THE WITNESS' testimony is required, as well  
34 as conferences and interviews with prosecutors or investigating  
35 officers.

36  
37 e) To be provided with NECESSARY free medical ATTENTION,  
38 treatment, hospitalization and medicines PARTICULARLY for any  
39 injury, [or] illness OR ANY OTHER MEDICAL CONDITION incurred  
40 or suffered by [him because of] THE WITNESS OR BY HIS/HER  
41 SPOUSE AND MINOR OR DEPENDENT CHILDREN WHILE ON  
42 witness duty OR WHILE IN THE TEMPORARY SHELTER  
43 PROVIDED BY THE PROGRAM in any private or public hospital,  
44 clinic, or at any such institution at the expense of the Program.

45  
46 WITNESS DUTY SHALL INCLUDE THE ATTENDANCE OF THE  
47 WITNESS IN THE COURT, BODY OR AUTHORITY WHERE THE  
48 TESTIMONY IS REQUIRED, AS WELL AS CONFERENCES,  
49 INTERVIEWS, AND/OR INVESTIGATIONS WITH  
50 PROSECUTORS OR INVESTIGATING OFFICERS. A WITNESS

1 WHO IS RELOCATED TO AN ACCREDITED WITNESS  
2 PROTECTION, SECURITY AND BENEFIT PROGRAM  
3 TEMPORARY SHELTER SHALL BE CONSIDERED TO BE  
4 UNDER WITNESS DUTY FOR THE DURATION OF HIS/HER  
5 STAY IN SAID TEMPORARY SHELTER.  
6

7 f) If a Witness is killed, because of participation in the Program,  
8 [his] THE WITNESS' heirs shall be entitled to a burial benefit of not  
9 less than [Ten Thousand pesos (P10,000.00)] FIVE HUNDRED  
10 THOUSAND PESOS (P500,000.00) from the Program exclusive of  
11 any other similar benefits [he] THE WITNESS may be entitled to  
12 under other existing laws.  
13

14 g) [In case of death or permanent incapacity, his] THE WITNESS'  
15 minor or dependent children shall be entitled to free education  
16 AND/OR EDUCATIONAL ASSISTANCE, from primary to college  
17 level in any state, or private school, college or university [as may be  
18 determined by the Department,] as long as they shall have qualified  
19 thereto. THE EDUCATIONAL BENEFITS HEREIN PROVIDED  
20 CAN BE AVAILED OF BY THE WITNESS' MINOR OR  
21 DEPENDENT CHILDREN FOR PRIMARY, SECONDARY AND  
22 TERTIARY EDUCATION; PROVIDED THAT, FOR TERTIARY  
23 EDUCATION, THE EDUCATIONAL ASSISTANCE SHALL IN NO  
24 CASE EXCEED FIVE (5) YEARS.  
25

26 **SEC. 2.** Sections 10 and 12 of the same Act are hereby amended to read as  
27 follows:  
28

29 SEC. 10. [State Witness] ADMISSION OF OFFENDERS. - Any  
30 person who has participated in the commission of a crime and  
31 desires to be a witness for the State, can apply and, if qualified as  
32 determined in this Act and by the Department, shall be admitted into  
33 the Program whenever the following circumstances are present:  
34

35 a) The offense in which [his] THE testimony will be used is a grave  
36 felony as defined under the Revised Penal Code or its  
37 equivalent under special laws;  
38

39 b) There is absolute necessity for [his] THE testimony;  
40

41 c) There is no other direct evidence available for the proper  
42 prosecution of the offense committed;  
43

44 d) [his] THE testimony can be substantially corroborated on its  
45 material points;  
46

47 e) [he] THE PERSON does not appear to be most guilty; and  
48

49 f) [he] THE PERSON has not at any time been convicted of any  
50 crime involving moral turpitude.



1  
2 FOR THE AVOIDANCE OF DOUBT, THE ADMISSION OF A  
3 PERSON TO THE PROGRAM IS SEPARATE AND DISTINCT  
4 FROM THE DISCHARGE OF AN ACCUSED FROM AN  
5 INFORMATION OR CRIMINAL COMPLAINT BY THE COURT IN  
6 ORDER THAT SAID ACCUSED MAY BE A STATE WITNESS  
7 PURSUANT TO SECTION 17 OF RULE 119 OF THE REVISED  
8 RULES OF COURT.

9  
10 An accused discharged from an information or criminal complaint by  
11 the court in order that [he] THE ACCUSED may be a State Witness  
12 pursuant to [Section 9 and 10] SECTION 17 of Rule 119 of the  
13 Revised Rules of Court may, upon [his] petition, be admitted to the  
14 Program [if he complies] UPON COMPLIANCE with the other  
15 requirements of this Act. Nothing in this Act shall prevent the  
16 discharge of an accused QUALIFIED TO ACT as a State Witness  
17 under SECTION 17, Rule 119 of the Revised Rules of Court.

18  
19 SEC. 12. Effect of Admission of a Witness into the Program. -The  
20 certification of admission into the Program by the Department shall  
21 be given full faith and credit by the provincial or city prosecutor who  
22 is required not to include the Witness in the criminal complaint or  
23 information and if included therein, to petition the court for [his] THE  
24 discharge PURSUANT TO THIS ACT in order that he/SHE can be  
25 utilized as a State Witness. The Court shall order the discharge and  
26 exclusion of the said accused from the information.

27  
28 Admission into the Program shall AUTOMATICALLY entitle such  
29 State Witness to immunity from criminal prosecution for the offense  
30 or offenses in which [his] THE testimony will be given or used and  
31 all the rights and benefits provided under Section 8 hereof.

32  
33 **SEC. 3.** A new Section 12-A is hereby inserted to read as follows:

34  
35 SEC. 12-A. PERPETUATION OF TESTIMONY. - A WITNESS  
36 ONCE ADMITTED INTO THE PROGRAM SHALL PERPETUATE  
37 HIS/HER TESTIMONY PURSUANT TO RULE 134 OF THE  
38 REVISED RULES OF COURT.

39  
40 **SEC. 4.** Sections 13 of the same Act is hereby deleted in its entirety and  
41 replace with the following new Section 13:

42  
43 SEC. 13. FAILURE OR REFUSAL OF THE WITNESS TO  
44 COOPERATE OR TESTIFY. - A WITNESS COVERED UNDER  
45 THE PROGRAM WHO UNJUSTLY FAILS OR REFUSES TO  
46 COOPERATE OR TESTIFY IN THE INVESTIGATION OR  
47 PROSECUTION OF A CASE OR WHO GIVES FALSE OR  
48 MISLEADING TESTIMONY SHALL BE CRIMINALLY  
49 PROSECUTED AND SHALL, UPON CONVICTION, SUFFER THE  
50 PENALTY OF IMPRISONMENT OF NOT LESS THAN FOUR (4)



1 YEARS BUT NOT EXCEEDING SIX (6) YEARS. THE WITNESS  
2 SHALL ALSO BE REQUIRED TO RESTITUTE ALL THE  
3 EXPENSES INCURRED RELATIVE TO HIS/HER COVERAGE  
4 UNDER THE PROGRAM, WITHOUT PREJUDICE TO  
5 PROSECUTION FOR CONTEMPT AND OTHER CRIMES UNDER  
6 EXISTING LAWS.  
7

8 **SEC. 5.** Section 17 of the same Act is hereby amended to read as  
9 follows:  
10

11 SEC. 17. Penalty for Harassment of Witness. - Any person who  
12 harasses a Witness [and thereby hinders, delays, prevents or  
13 dissuades a] BY REASON OF THE SWORN STATEMENT OR  
14 TESTIMONY GIVEN BY THE LATTER, OR ATTEMPTS TO  
15 HINDER, DELAY, PREVENT OR DISSUADE THE Witness from:  
16

17 a) Attending or testifying before any judicial or quasi-judicial body or  
18 investigating authority;  
19

20 b) Reporting to a law enforcement officer or judge the commission  
21 or possible commission of an offense, or a violation of conditions or  
22 probation, parole, or release pending judicial proceedings;  
23

24 c) Seeking the arrest of another person in connection with the  
25 offense;  
26

27 d) Causing a criminal prosecution, or a proceeding for the  
28 revocation of a parole or probation; or  
29

30 e) Performing and enjoying the rights and benefits under this Act  
31 shall be fined not more than [Three thousand pesos (P3,000.00)]  
32 TWENTY THOUSAND PESOS (P20,000.00) or suffer  
33 Imprisonment of not less [six (6) months] TWO (2) YEARS but not  
34 more than [one (1) year] FOUR (4) YEARS, or both, and he shall  
35 also suffer the penalty of perpetual disqualification from holding  
36 public office in case of a public officer.  
37

38 **SEC. 6.** A new Section 17-A is hereby inserted to read as follows:  
39

40 SEC. 17-A. CONSTRUCTION OF PROVISIONS - IN CASE OF  
41 DOUBT, THE PROVISIONS OF THIS ACT SHALL BE  
42 CONSTRUED IN FAVOR OF THE ADMISSION OF THE WITNESS  
43 INTO THE PROGRAM.  
44

45 **SEC. 7. Appropriations.** - The amount necessary to carry out the provisions  
46 of this Act shall be included in the annual General Appropriations Act.  
47  
48  
49  
50

1    **SEC. 8. Implementing Rules and Regulations.** – Within sixty (60) days from  
2    the effectivity of this Act, the Department of Justice, in consultation with  
3    relevant stakeholders, shall promulgate the necessary rules and regulations to  
4    effectively implement the provisions of this Act.  
5  
6    **SEC. 9. Separability Clause.** – If any section or provision of this Act shall be  
7    declared unconstitutional or invalid, such shall not invalidate any other section  
8    of this Act.  
9  
10   **SEC. 10. Repealing Clause.** – All laws, decrees, orders, rules, regulations,  
11   ordinances or parts thereof which are inconsistent with this Act are hereby  
12   repealed or modified accordingly.  
13  
14   **SEC. 11. Effectivity Clause.** – This Act shall take effect fifteen (15) days after  
15   its complete publication in at least two (2) general newspapers of national  
16   circulation.  
17  
18   **Approved,**  
19