

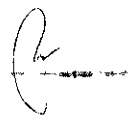
FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

OFFICE

10 AUG 10 P5:43

SENATE

Senate Bill No. 2368

RECEIVED BY 

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

Republic Act (RA) No. 6981, or "The Witness Protection, Security and Benefit Act," is enacted into law principally to encourage an individual who has witnessed or has knowledge of the commission of a crime to testify before a court, a quasi-judicial body, or an investigating authority, by protecting him from probable reprisals and from unavoidable economic dislocation.

Article. VI, Section 21 of the Constitution provides that "The Senate or the House of Representatives or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected".

The Senate of the Philippines has been investigating numbers of controversial issues concerning matters of national concern like the Fertilizer Fund Scam and the ZTE-National Broadband Network deal among others.

As a result of their voluntary appearance in the Senate inquiries and investigations, key witnesses, including family members, have experienced trauma and distress due to alleged intimidations and threats they have been receiving in order to prevent them from making statements. Unfortunately, the most that the institution can provide is temporary shelter and protection while the investigation is on-going.

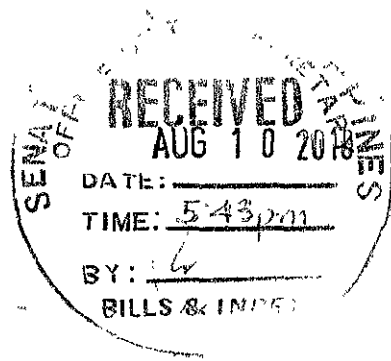
This bill seeks to provide for a separate witness protection program for its witnesses and resource persons. This bill also seeks to provide clearly and explicitly for the perpetuation of testimonies of witnesses in consonance with Rule 134 of the Revised Rules of Court.

The approval of this bill is earnestly requested.



FRANCIS G. ESCUDERO

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



SENATE

Senate Bill No. 2368

Introduced by Senator FRANCIS G. ESCUDERO

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

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

1 **SECTION 1.** This Act shall be known as the "Witness Protection, Security and
2 Benefit Act."

3
4 **SEC. 2.** Section 4 of Republic Act No. 6981 is hereby amended to read as
5 follows:

6
7 "Section 4. *Witness in Legislative Investigations.* - In case of legislative
8 investigations in aid of legislation, [a witness] **THE SENATE OF THE**
9 **PHILIPPINES OR THE HOUSE OF REPRESENTATIVES, AS THE CASE**
10 **MAY BE, SHALL PROVIDE FOR A SEPARATE "WITNESS PROTECTION,**
11 **SECURITY AND BENEFIT PROGRAM" FOR THE RESOURCE PERSONS**
12 **AND/OR WITNESSES. THE WITNESS AND/OR RESOURCE PERSON,** with
13 his express consent, may be admitted into the Program upon the
14 recommendation of the legislative committee where his/her testimony is needed
15 when in its judgment there is pressing necessity therefor: Provided, That such
16 recommendation is approved by the President of the Senate or the Speaker of the
17 House of Representatives, as the case may be.

18
19 **THE SENATE OF THE PHILIPPINES OR THE HOUSE OF**
20 **REPRESENTATIVES, AS THE CASE MAY BE, SHALL HAVE PRIMARY**
21 **JURISDICTION IN THE ADMINISTRATION AND IMPLEMENTATION OF**
22 **THE PROGRAM. CONGRESS MAY REQUEST THE NECESSARY**
23 **ASSISTANCE FROM ANY DEPARTMENT, BUREAU, OFFICE OR ANY**
24 **OTHER EXECUTIVE AGENCY TO ASSIST WITH THE IMPLEMENTATION**
25 **OF THE PROGRAM.**

26
27 **HOWEVER, THE PROGRAM SHALL BE IMPLEMENTED BY THE**
28 **SENATE OR THE HOUSE OF REPRESENTATIVES INDEPENDENT FROM**
29 **ANY OTHER DEPARTMENT, BUREAU, OFFICE OR ANY OTHER**
30 **EXECUTIVE AGENCY WHEN IT IS APPARENT THAT THE**
31 **INVESTIGATION MIGHT BE PREJUDICED AND/OR WHEN THE SAFETY**

1 OF THE WITNESS MIGHT BE JEOPARDIZED ESPECIALLY WHEN THE
2 PUBLIC OFFICIALS ARE INVOLVED.

3
4 CONGRESS MAY PROMULGATE ITS OWN RULES AND
5 REGULATIONS FOR THE IMPLEMENTATION OF THIS PROVISION.”

6
7 SEC. 3. Section 8 (e) and (g) of the same Act are hereby amended to read as
8 follows:

9
10 “SEC. 8. *Rights and Benefits.* – The witness shall have the following rights and
11 benefits:

12
13 x x x

14
15 (e.) To be provided with free medical treatment, hospitalization and
16 medicines for any injury or illness incurred or suffered by him because of
17 witness duty **OR WHILE IN THE SAFEHOUSE** in any private or public
18 hospital, clinic, or such institution at the expense of the Program.

19
20 x x x

21
22 (g.) [In case of death or permanent incapacity, his] **THE WITNESS’**
23 minor or dependent children shall be entitled to free education, from
24 primary to college level in any state, or private school, college or
25 university [as may be determined by the Department,] as long as they
26 shall have qualified thereto.”

27
28 SEC. 4. A new section, Section 12-A, shall be inserted under Section 12 of the
29 same Act, which shall read as follows:

30
31 **SEC. 12-A. PERPETUATION OF TESTIMONY. -- ONCE ADMITTED INTO**
32 **THE PROGRAM, A WITNESS MAY PERPETUATE HIS TESTIMONY**
33 **PURSUANT TO RULE 134 OF THE REVISED RULES OF COURT.**

34
35 SEC. 5. The Department of Justice shall promulgate the necessary rules and
36 regulation to implement this Act.

37
38 SEC. 6. If any provision or part hereof is held invalid or unconstitutional,
39 the remainder of the law or the provision not otherwise affected shall remain valid and
40 subsisting.

41
42 SEC. 7. All laws, executive orders, decrees, rules, regulations, ordinances,
43 or parts thereof which are inconsistent with the provision of this Act are hereby
44 repealed or modified accordingly.

45
46 SEC. 8. This Act shall take effect fifteen (15) days upon its complete
47 publication in the Official Gazette or in at least two (2) general newspapers of national
48 circulation.

49
50 *Approved,*