

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



'11 JUN -1 P3:52

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S E N A T E

COMMITTEE REPORT NO. 47

Submitted jointly by the Committees on Justice and Human Rights *and* Finance on JUN - 1 2011.

Re: Senate Bill No. 2860.

Recommending its approval in substitution of Senate Bill Nos. 1063, 1883, 2112 and 2836 taking into consideration Senate Bill No's 187, 2173 and 2368

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committees on Justice and Human Rights *and* Finance to which were referred Senate Bill No. 1063, introduced by Senator Manny Villar entitled:

**"AN ACT
PROVIDING FOR PROTECTION, SECURITY AND BENEFITS OF
WHISTLEBLOWERS AND FOR OTHER PURPOSES"**

S.No. 1883, introduced by Senator Miriam Defensor Santiago, entitled:

**"AN ACT
ESTABLISHING A WHISTLEBLOWER BILL OF RIGHTS"**

S.No. 2112, introduced by Senator Francis G. Escudero, entitled:

**"AN ACT
PROVIDING FOR PROTECTION, SECURITY AND BENEFITS OF
WHISTLEBLOWERS"**

And S.No. 2836, introduced by Senator Panfilo M. Lacson, entitled:

**“AN ACT
PROVIDING FOR PROTECTION, SECURITY AND BENEFITS OF
WHISTLEBLOWERS AND FOR OTHER PURPOSES”**

taking into consideration, S. No. 187, introduced by Senator Antonio F. Trillanes, IV, entitled:

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

S. No. 2173, introduced by Senator Francis N. Pangilinan, entitled:

**“AN ACT
AMENDING REPUBLIC ACT NO. 6981 OTHERWISE KNOWN AS AN ACT
PROVIDING FOR A WITNESS PROTECTION, SECURITY AND BENEFIT
PROGRAM AND FOR OTHER PURPOSES.”**

And S. No. 2368, introduced by Senator Francis G. Escudero, entitled:

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

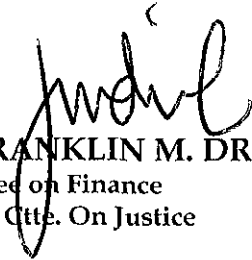
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 2860, prepared by the Committees, entitled:

**“AN ACT
PROVIDING FOR PROTECTION, SECURITY AND BENEFITS OF
WHISTLEBLOWERS”**


be approved in substitution of Senate Bill Nos. 1063, 1883, 2112 and 2836 taking into consideration Senate Bill No's 187, 2173 and 2368 with Senators Villar, Defensor-Santiago, Escudero, Lacson, Trillanes, Pangilinan *and* Drilon as authors thereof.

Respectfully Submitted:

Chairmen:

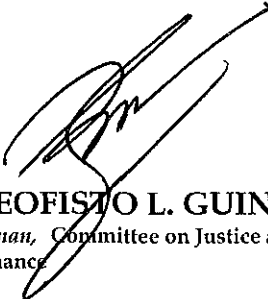


SEN. FRANKLIN M. DRILON
Committed on Finance
Member, Ctte. On Justice

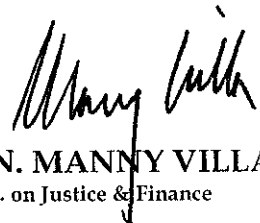


SEN. FRANCIS G. ESCUDERO
Committee on Justice and Human Rights
Member, Ctte. On Finance

Members:



SEN. TEOFISTO L. GUINGONA III
Vice Chairman, Committee on Justice and Human Rights
Cttee. on Finance



SEN. MANNY VILLAR
Cttes. on Justice & Finance



SEN. LOREN B. LEGARDA
Cttes. on Justice & Finance



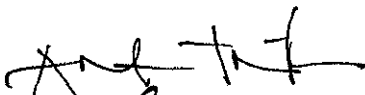
SEN. RAMON "BONG" REVILLA, JR.
Cttes. on Justice & Finance



SEN. SERGIO R. OSMEÑA III
Cttes. on Justice & Finance



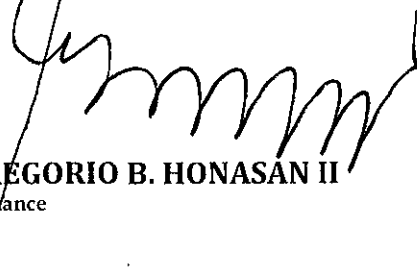
SEN. JOKER P. ARROYO *and in separate amendments*
Cttes. on Justice & Finance



SEN. ANTONIO F. TRILLANES IV
Ctte. on Justice



SEN. JUAN MIGUEL F. ZUBIRI
Ctte. on Finance



SEN. GREGORIO B. HONASAN II
Ctte. on Finance



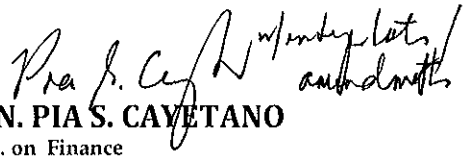
SEN. MANUEL "LITO" M. LAPID
Ctte. on Finance



SEN. FERDINAND R. MARCOS, JR.
Ctte. on Finance



SEN. FRANCIS N. PANGILINAN
Ctte. on Finance



SEN. PIA S. CAYETANO
Ctte. on Finance



SEN. EDGARDO J. ANGARA
Ctte. on Finance



SEN. MIRIAM DEFENSOR-SANTIAGO
Ctte. on Finance



SEN. RALPH G. RECTO
Ctte. on Finance

Ex-Officio Members:



SEN. ALAN PETER S. CAYETANO
Senate Minority Floor Leader



SEN. VICENTE C. SOTTO III
Senate Majority Floor Leader



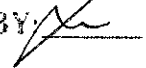
JINGGOY EJERCITO-ESTRADA
Senate President-Pro Tempore

HON. JUAN PONCE ENRILE
Senate President
Senate of the Philippines
Pasay City

FIFTEENTH CONGRESS OF THE)
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SENATE

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S. B. No. 2860

Prepared Jointly by the Committees on Justice and Human Rights *and* Finance with
Senators Villar, Defensor-Santiago, Escudero, Lacson, Trillanes, Pangilinan and
Drilon as authors thereof.

AN ACT
PROVIDING FOR PROTECTION, SECURITY AND BENEFITS OF
WHISTLEBLOWERS

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Whistleblower
2 Protection Act of 2011."

3 **SEC. 2. Declaration of Policy.** - Public Office is a public trust. It is the policy of the
4 State to promote and ensure full accountability in the conduct of its officers and
5 employees, and exact full retribution from those who shall engage in improper conduct.
6 Toward this end, the State shall:

7 (A) Maintain honest and high standards of integrity in the public service;

8 (B) Safeguard the national interest through the prosecution of corrupt and erring
9 public officials and employees; and

10 (C) Encourage and facilitate the disclosure of corrupt conduct and practices in
11 the public service by providing benefits provided in existing laws.

12 **SEC. 3. Definitions.** -As used in this Act:

13 (A) "Employer" shall mean any individual, partnership, association, corporation
14 or entity, including the government, or any person or group of persons who shall
15 directly or indirectly for or on behalf of said individual, partnership, association,
16 corporation or entity, employ an employee as defined in this Act.

17 (B) "Employee" shall mean any person who is made to work by, or who renders
18 service for, an employer. The term shall include public officers and employees as
19 defined in this Act as well as any person considered an "employee" under the Labor
20 Code.

1 (C) "Public officer/employee" shall refer to any person holding any office or
2 performing any function or duty in the Government of the Republic of the Philippines
3 by virtue of an appointment, election or contract.

4 (D) "Government" shall include the National Government, and any of its
5 subdivisions, agencies or instrumentalities, including government-owned and
6 controlled corporations and their subsidiaries, and Local Government Units.

7 (E) "Retaliatory action" shall refer to any negative or obstructive response,
8 reaction or reprisal to a disclosure made under this Act aimed at, pertaining to, or
9 against a whistleblower or any of the members of his/her family and relatives up to the
10 fourth civil degree of consanguinity or affinity. Said actions shall include criminal, civil
11 or administrative proceedings commenced or pursued against said whistleblower or
12 any of the members of his/her family or relatives up to the fourth civil degree of
13 consanguinity or affinity as well as any retaliatory action in the workplace.

14 (F) "Retaliatory action in the workplace" shall mean any discriminatory conduct
15 or policies which affect promotion or job assignment including undue negative
16 performance appraisal, close monitoring by supervisors, unwarranted criticisms or
17 avoidance by co-employees, blacklisting from other job opportunities or prejudicial
18 transfers by reason of a disclosure made under this Act.

19
20 (G) "Acts constituting improper conduct" shall mean any act or omission of a
21 public officer or employee solely, or in cooperation, conspiracy with, or with the
22 assistance of, private persons which is covered by or constitute a violation of:

23
24 (1) Presidential Decree No. 46 otherwise known as "Making it punishable
25 for Public Officials and Employees to receive, and for Private persons to give, gifts on
26 any occasion, including Christmas;"

27
28 (2) Republic Act No. 3019 otherwise known as "Anti-Graft and Corrupt
29 Practices Act;"

30
31 (3) Republic Act No. 6713 otherwise known as "An Act Establishing a
32 Code of Conduct and Ethical Standards for Public Officials and Employees;"

33
34 (4) Republic Act No. 7080 otherwise known as the "Anti-Plunder Law;"

35
36 (5) Title VII of Book Two of the Revised Penal Code on Crimes Committed
37 by Public Officers; and

38
39 (6) All other laws which penalize or sanction any act or omission of a
40 public officer or employee.

41
42 (H) "Whistleblower" shall refer to any person who has personal knowledge or
43 access to any data, information, fact or event constituting improper conduct; Provided
44 that such person must not have any direct participation in such improper conduct, or in
45 cases where such person participated in any improper conduct, such person is not the
46 most guilty and shall therefore qualify as a state witness against the persons subject of
47 such disclosure. .

1 (I) "Qualified Whistleblower" shall mean a whistleblower qualified and admitted
2 into the Whistleblower's Program of the Implementing Agency in accordance with this
3 Act and its implementing rules and regulations.

4
5 (j) "Implementing Agencies or Agency" shall collectively or individually refer to
6 the Department of Justice (DOJ), the Office of the Ombudsman, the Commission on
7 Human Rights (CHR), and the Public Attorney's Office (PAO).

8
9 (k) "Whistleblower Council" shall refer to the Council created and defined under
10 Section 31 of this Act.

11
12 **SEC. 4. Coverage.** -Notwithstanding the provisions of law on prescription of
13 crimes, this Act shall cover all acts constituting improper conduct irrespective of the
14 time of commission.

15
16 **SEC. 5. Admission/Qualification to the Program.** - Whistleblowers, whether from
17 the public or private sector, shall be entitled to the benefits under this Act, provided,
18 that all the following requisites concur:

- 19
20 (a) The disclosure is voluntary, in writing and under oath;
21 (b) The disclosure relates to acts constituting improper conduct; and
22 (c) The information to be disclosed is admissible in evidence.
23

24 **SEC.6. Necessity of Testimony.** - The testimony of a qualified whistleblower in
25 court shall not be necessary for the entitlement or enjoyment of the benefits of this Act.
26 In the event that the said whistleblower's testimony is required as found by the
27 Implementing Agency to be necessary and indispensable for a successful prosecution
28 of a case, he/she shall be entitled to the additional benefits and protection under R.A.
29 No. 6891 otherwise known as the Witness Protection Program, funding for which shall
30 be sourced from the budget as provided under Section 32 hereof.

31 **SEC. 7. Credibility of a Whistleblower.** - In all cases, the fact of the entitlement of the
32 qualified whistleblower to the protection and benefits provided in this Act shall not be
33 admissible in evidence to diminish or affect his credibility.

34 **SEC. 8. Perpetuation of Testimony.** - Once admitted into the program, a
35 whistleblower may perpetuate his/her testimony pursuant to Rule 134 of the Revised
36 Rules of Court.

37 **SEC. 9. Memorandum of Agreement with the Person to be Protected.** - Before a person
38 is provided protection and benefits as a whistleblower for the State, he/she shall first
39 execute a *Memorandum of Agreement* with the Implementing Agency which shall set
40 forth his/her responsibilities as follows:

- 41 (A) To provide information to and testify before all branches or agencies of
42 government in an appropriate proceeding on facts constituting improper
43 conduct;
44 (B) To avoid commission of crime;
45 (C) To take all necessary precautions to preclude detection by others of the
46 facts concerning the protection provided him/her under this Act;

1 (D) To cooperate with all reasonable requests of officers and employees of the
2 government who are providing him/her protection under this Act; and

3 (E) To regularly inform the Implementing Agency's program official
4 concerned of his/her current activities and address.

5 **SEC. 10. Breach of the Memorandum of Agreement.** - Substantial breach of the
6 *Memorandum of Agreement*, provided for in Section 9 hereof, shall be sufficient ground
7 for the termination of the protection and benefits provided under this Act; *Provided*,
8 however, that before terminating the same, the Implementing Agency shall send notice
9 to the qualified whistleblower concerned, stating therein the reason for such
10 termination.
11

12 **SEC. 11. Confidentiality.** - Except insofar as allowed by this Act, during and after
13 the disclosure, and throughout and after any proceedings taken thereafter, a
14 whistleblower is entitled to absolute confidentiality as to:

15 (A) His/her identity;

16 (B) The subject matter of his/her disclosure; and

17 (C) The person to whom such disclosure has been made.

18 There shall be no such confidentiality in his/her identity if a whistleblower
19 makes a public disclosure of acts constituting improper conduct unless,
20 notwithstanding such public disclosure, he/she has taken means obviously intended to
21 preserve his/her anonymity.

22 **SEC. 12. Confidential Information.** - No person to whom a disclosure has been
23 made or referred to shall divulge any information that may identify or tend to identify a
24 whistleblower or reveal the subject matter of such disclosure, except only as to the
25 following circumstances:

26 (A) The whistleblower consents in writing prior to such a disclosure of;

27 (B) The disclosure is indispensable and essential as determined by the
28 Implementing Agency, taking into consideration the necessary proceedings
29 to be had after said disclosure; or

30 (C) The disclosure or referral is made pursuant to an obligation under this Act.
31 The prohibition on disclosure under this Section shall apply to any person
32 who has become privy to any confidential information, whether officially
33 or otherwise.

34 **SEC. 13. Violation of Confidentiality.**- Any person who shall violate the protection
35 of confidentiality of a protected disclosure under Sections 11 and 12 of this Act, shall
36 suffer the penalty of not more than one (1) year but not less than six (6) months with the
37 accessory penalty of temporary absolute disqualification for public office, in case of a
38 public officer or employee, and shall be civilly liable to the whistleblower in such
39 amount of damages as may be awarded and deemed reasonable by the court.

40 The proceedings herein shall be independent of any action that an aggrieved
41 whistleblower may take before the Civil Service Commission or the Department of
42 Labor and Employment for unfair or discriminatory practices, back wages, or other

1 labor dispute, or before other quasi-judicial agencies that may or may not have arisen
2 from a disclosure, or a believed or suspected disclosure.

3 **SEC. 14. *No Breach of Duty of Confidentiality.*** – A whistleblower who has made a
4 disclosure under this Act on whom a provision of law, regulation, issuance, practice or
5 other convention, imposes upon him/her the duty to maintain confidentiality with
6 respect to any information disclosed is considered not to have committed a breach
7 thereof.

8 **SEC. 15. *Defense of Privileged Communication.*** – A whistleblower who has made a
9 disclosure under this Act shall have in any other inquiry or proceeding the defense of
10 absolute privileged communication with respect to the subject matter of his/her
11 disclosure or information given to the proper authorities

12 **SEC. 16. *False and Misleading Disclosures.***– Any person who deliberately and
13 voluntarily gives false or misleading information in connection with acts or omissions
14 constituting improper conduct shall be guilty of an offense punishable by imprisonment
15 of not more than two (2) years and perpetual absolute disqualification from holding
16 public office, in case of a public officer or employee, without prejudice to other
17 liabilities under existing laws.

18 **SEC. 17. *Protection against Disciplinary Action or Reprisals.*** – A whistleblower who
19 has made or is believed or suspected to have made a disclosure under this Act is not
20 liable to disciplinary action for making said disclosure.

21 Prohibited acts under this section include retaliatory action in a workplace or
22 prejudicial conduct towards a whistleblower, such as: discriminatory actions behind
23 policies and procedures, reprimand, punitive transfers, unwarranted referral to a
24 psychiatrist or counselor, and undue poor performance reviews. Other prejudicial
25 conducts include obstruction of an investigation, withdrawal of essential resources,
26 undue reports and the attachment of unfair personnel file notes.

27 To this end, any employer who has discouraged and imposed sanctions or
28 reprisals based on workplace interactions, which shall include workplace ostracism,
29 questions and attacks on motives, accusations of disloyalty and dysfunction, public
30 humiliation, and the denial of work or promotion, or who encourages, causes or does
31 retaliatory action or reprisal against a whistleblower, or anyone believed or suspected
32 to be one shall be liable for an offense defined under this Act.

33 Any employee who refuses to follow orders of employers that would cause them
34 to violate any provision of this Act shall likewise be protected from reprisals and
35 retaliatory action in the workplace.

36 For purposes of this protection, an applicant for employment shall be deemed an
37 employee and entitled to such protection.

38 Provided however, that an employer of a whistleblower shall be notified through
39 a certification issued by the Implementing Agency within a period of thirty (30) days,
40 from the date when the whistleblower last reported for work. Provided further that an
41 employer shall have the option to remove said whistleblower from employment after
42 securing a clearance from the Civil Service Commission and the Department of Labor
43 and Employment, whichever the case may be, in case of a prolonged absence due to
44 transfer or permanent relocation under this Act or R.A. No. 6891.

1 **SEC. 18. *Protection against other Actions.*** – A whistleblower who has made a
2 disclosure under this Act shall not be subject to any liability whether administrative,
3 civil, criminal for making such a disclosure. No action, claim or demand may be taken
4 against a whistleblower for making such disclosure, nor any evidence presented shall
5 be used against him/her in court.

6 This protection shall also operate as an immunity in favor of a whistleblower
7 against any action or proceeding taken against him/her by reason of his/her disclosure.

8 Provided however, that the whistleblower appears to be not the most guilty.

9 **SEC.19. *Discriminatory Hiring.***– Any individual, firm, corporation, office or
10 employer who shall deny a qualified applicant of employment, or who shall reject
11 his/her application for employment solely on the ground that the applicant is or will
12 be a whistleblower, shall be guilty of an offense punishable by not more than six (6)
13 months imprisonment with the accessory penalty of suspension of the right to hold
14 public office, in case of a public officer or employee, and shall be civilly liable to
15 indemnify the whistleblower for damages as may be awarded by the court.

16 **SEC. 20. *Retaliatory Action in the Workplace.*** – Any person who shall commit any
17 retaliatory act in a workplace as defined under this Act, against an employee who is a
18 whistleblower, or believed or suspected to be one, shall be guilty of an offense and shall
19 suffer the penalty of not more than six (6) months imprisonment with the accessory
20 penalty of suspension of the right to hold public office, in case of a public officer or
21 employee, and shall be civilly liable to indemnify a whistleblower in case damages are
22 incurred and as may be awarded by the court.

23 Toward this end, the aggrieved whistleblower shall be entitled to the provisional
24 remedy of injunction against any retaliatory action in the workplace, prejudicial
25 conduct or discriminatory treatment by reason of the said whistleblower’s intended or
26 actual disclosure.

27 The proceedings herein shall be independent of any action that an aggrieved
28 person may take before the Civil Service Commission or the Department of Labor and
29 Employment for unfair discriminatory practices, back wages, or other labor dispute, or
30 before other quasi-judicial agencies that may or may not have arisen from a disclosure,
31 or a believed or suspected disclosure.

32 **SEC. 21. *Penalty for Retaliatory Acts against a Whistleblower.*** – Any person who
33 commits any of the retaliatory acts as defined in this Act against a whistleblower
34 and/or hinders, delays, prevents or dissuades a whistleblower from:

35 (A) Attending, assisting or testifying before any investigating agency or quasi-
36 judicial body or judicial;

37 (B) Reporting to a law enforcement officer or judge the commission or
38 possible commission of an offense or a violation of conditions of probation,
39 parole, or release pending judicial proceedings;

40 (C) Seeking the arrest of another person in connection with the offense;

41 (D) Causing a criminal prosecution, or a proceeding for the revocation of a
42 parole or probation; or

43 (E) Performing and enjoying the rights and benefits under this Act or attempts
44 to do so

1 shall be fined not more than One Hundred Thousand Pesos (Php 100,000.00) or suffer
2 imprisonment of or not less than six (6) months but not more than six (6) years or both
3 at the discretion of a court and shall also suffer the penalty of perpetual disqualification
4 from holding public office in case of a public officer or employee.

5 **SEC. 22. *Benefits and Security and Protection of a Qualified Whistleblower.*** - A
6 qualified whistleblower shall be entitled to an allowance equivalent to his /her daily
7 basic financial requirement, provided he/she requests for said allowance and the
8 Implementing Agency determines and approves the reasonableness of such request.

9 A qualified whistleblower shall likewise be entitled to housing and personal
10 security regardless of whether the disclosure is made in confidence or in public.

11 Accordingly, the Implementing Agency is hereby authorized to allocate funds as
12 provided for in Section 32 hereof for the full satisfaction of the benefits and security and
13 protection of a qualified whistleblower.

14 This section is without prejudice to any benefits a qualified whistleblower may
15 be entitled to under R.A. No. 6891 provided that the necessary amount shall be sourced
16 from the budget as provided for in Section 32 hereof and that no duplication of benefit
17 shall ensue.

18 **SEC. 23. *Financial Rewards for Whistleblower.*** - A qualified whistleblower shall be
19 entitled to a corresponding monetary reward on a contingency basis, equivalent to at
20 least ten percentum of the amount which may be recovered or the amount of One
21 Million Pesos (Php 1,000,000.00), whichever is lower, as a result of his/her disclosure.

22 **SEC. 24. *Abstract.*** - All government agencies, offices, bureaus and local
23 government units, including government owned or controlled corporations, whether or
24 not with original charters, shall conspicuously display an abstract of this Act and the
25 rights and protections of whistleblowers, including the obligations of employers under
26 this Act. Such abstract shall be provided in the implementing rules and regulations.

27 All government agencies, offices, bureaus and local government units, including
28 government owned and controlled corporations, whether or not with original charters,
29 shall likewise put in place internal procedures for dealing with whistleblowers
30 consistent with the provisions of this Act and its implementing rules and regulations.
31 Said internal procedure shall be widely disseminated to all employees

32 All other employers, specifically those in the private sector, shall also
33 conspicuously display notices of their employees' protections and their obligations
34 under this Act and its implementing rules and regulations.

35 **SEC. 25. *Failure of an Employer to Post Abstract-*** The failure to post an Abstract or
36 internal procedures as required under Section 5 of this Act shall constitute an offense
37 and shall be penalized with a fine in the amount of One Hundred Thousand Pesos (Php
38 100,000.00) for the first offense. Said amount shall be doubled for every succeeding
39 offense/s.

40 **SEC. 26. *Failure to Act or Report to the Implementing Agency-*** Any person under
41 obligation to report a disclosure under this Act to the Implementing Agency, who fails
42 to do so within the period of two (2) months, or who fails to act thereon or cause an
43 investigation thereof, shall be guilty of an offense and shall suffer the penalty of not
44 more than one (1) month imprisonment, and/or a fine amounting to not more than Fifty

1 Thousand Pesos (Php 50,000.00) without prejudice to any other liability that may be
2 imposed upon such person under existing laws.

3 **SEC. 27. Confidentiality of the Proceedings.** – All proceedings involving application
4 and/or enjoyment of the benefits under this Act, including any action taken thereon,
5 shall be confidential in nature. No information or documents given or submitted in
6 support thereof shall be released except upon written order of the Implementing
7 Agency, and provided such disclosure shall not endanger the life of a qualified
8 whistleblower.

9
10 **SEC. 28. Powers and Functions of the Implementing Agencies or Agency .** – In
11 addition to their respective powers and functions under existing laws, the
12 Implementing Agencies shall:

- 13 (a) Supervise, monitor and coordinate all efforts relative to the implementation
14 and enforcement of the provisions of this Act;
- 15 (b) Investigate all disclosures made under this Act, prosecute or recommend
16 prosecution of the same when warranted;
- 17 (c) Evaluate the qualification of whistleblowers for coverage within this Act, and
18 whichever the case may be, make the appropriate decision on their
19 entitlement to the benefits and security and protection extended herein;
- 20 (d) Undertake, in coordination and cooperation with the private and public
21 sectors, an information campaign to educate the public on the provisions and
22 benefits of this Act;
- 23 (e) Develop plans and implement programs to further encourage whistleblowers
24 on acts constituting improper conduct with a view to effective deterrence
25 and/or prosecution;
- 26 (f) Control and administer, through coordination and consistent with the
27 provisions and purpose of this Act, the protection and benefits of
28 whistleblowers and the funds necessary to carry out the provisions of this
29 Act;
- 30 (g) Call upon, or deputize any department, bureau, office or any other
31 government agency or public official to assist in the effective implementation
32 and enforcement of this Act; and
- 33 (h) Grant immunity in accordance with the provisions of this Act and its
34 implementing rules and regulation.

35
36 **SEC. 29. Implementing Agency, Option of Whistleblower.** – A whistleblower shall
37 have the right to choose which Implementing Agency he/she intends to be admitted
38 and qualified as a whistleblower. As such, the Implementing Agency so chosen shall
39 have the primary jurisdiction and authority to exercise the powers and functions
40 provided for under Section 28 of this Act.

1 **SEC. 30. Congressional Whistleblower Program.** - The Senate and the House of
2 Representatives may have their own Whistleblower's Program for resource persons or
3 whistleblowers appearing before them or their respective committees.

4 The resource person or whistleblower, with his/her express consent, may be
5 admitted into the program upon the recommendation of the legislative committee
6 where his/her testimony is needed when in its judgment there is pressing necessity
7 therefor: *Provided*, That such recommendation is approved by the President of the
8 Senate or the Speaker of the House, whichever the case may be.

9 The Senate or the House of Representative, whichever the case may be, shall
10 have primary jurisdiction in the administration and implementation of the program
11 independent from any other agency of government when the investigation or the safety
12 of the resource person or whistleblower shall be prejudiced.

13
14 **SEC. 31. Implementing Rules and Regulations.** - There is hereby created a
15 Whistleblower Council which shall be composed of the Implementing Agencies and
16 headed by the Office of the Solicitor General.

17 The Council shall be primarily and solely responsible for the drafting and
18 promulgation of the necessary Implementing Rules and Regulations (IRR) for the
19 effective implementation of this Act. The Council's submission to Congress of the
20 approved IRR and the causing of its publication in at least two (2) newspapers of
21 general circulation shall render the council *functus officio*

22 **SEC. 32. Funding.** -The amount One Hundred Million Pesos (Php 100,000,000.00)
23 is hereby authorized to be appropriated out of any funds in the National Treasury not
24 otherwise allocated to carry into effect the purpose of this Act.

25 Other funding schemes or sources that may be authorized under existing laws
26 shall be allowed in furtherance hereof.

27 **SEC.33.Separability Clause.** - If any provision or part hereof, is held invalid or
28 unconstitutional, the remainder of the law or the provisions not otherwise affected
29 thereby shall remain valid and subsisting.

30 **SEC. 34.Repealing Clause.** - Any law, presidential decree or issuance, executive
31 order, letter of instruction, administrative order, rule or regulation contrary to or
32 inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
33 accordingly.

34 **SEC. 35.Effectivity Clause.** - This Act shall take effect fifteen (15) days after its
35 publication in the Official Gazette or at least two (2) newspapers of general circulation.

36 *Approved,*

37