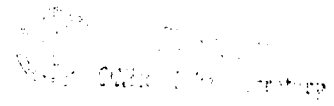


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



1978 JUL 31 P4:59

SENATE
S. B. No. 1901

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Introduced by Senator SONNY ANGARA

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"

EXPLANATORY NOTE

There is an urgent need to provide protection and security to witnesses and/or resource persons who attend legislative investigations, in aid of legislation, conducted by the Congress of the Philippines. The present law should be amended in order to improve the conditions and procedure for providing protection and assistance to a witness in legislative investigations when reasonable fear exists that testifying for the purpose of giving evidence and/or testimony during the investigation on criminal offenses in connection with which the protection may be provided under the present law, would expose the witness to severe danger to his/her life, health, freedom, corporal inviolability or property, where other measures do not suffice.

The object of this bill is to ensure that the due administration of justice in legislative investigations is not prejudiced by witnesses not being given protection relative to his/her testimony in said proceedings. The object of this bill is to provide for the safety and well-being of witnesses in legislative investigations who, unless protected, may not give evidence for fear of death, violence or serious injury by criminal interests likely to be affected by the proceedings, and for related purposes.

The bill also proposes to amend RA 6981 by entitling witnesses admitted into the program to the following benefits: 1) hospitalization benefits while in the safehouse; 2) free public education to minor or dependent children. Presently, free hospitalization is provided to witnesses only for injuries or illnesses incurred or suffered primarily due to witness duty. Also, minors or dependent children of witnesses cannot avail themselves of free education provision in the law because such can only be availed of in case of death or permanent incapacity of the witness. The bill limits the grant of free education to minors or dependents to the public educational system primarily because of limited funds of the State.

Moreover, the bill seeks to provide clearly and explicitly for the perpetuation of testimonies of witnesses in consonance with Rule 134 of the Revised Rules of Court. Although this can readily be done administratively, this measure would like to provide such in the law. In view of the foregoing, the approval of this bill is earnestly sought.



SONNY ANGARA



13 JUL 31 P4:59

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

1 Section 1. Section 3 of Republic Act No. 6981, otherwise known as the
2 "Witness Protection, Security and Benefit Act", is hereby amended to read as
3 follows:

4 "Sec. 3. *Admission into the Program.* – Any person who has
5 witnessed or has knowledge or information on the commission of a
6 crime and has testified or is testifying or about to testify before any
7 judicial or quasi-judicial body, or before any investigating authority,
8 may be admitted into the Program: *Provided, That:*

9 "a) The offense [~~is~~] **FOR** which [~~his~~] **THE** testimony will be used is
10 a grave felony as defined under the Revised Penal Code, or its
11 equivalent under special laws;

12 "b) [~~His~~] **THE** testimony can be substantially corroborated in its
13 material points;

14 "c) [~~He~~] **THE WITNESS** or any member of [~~his~~] **THE WITNESS'**
15 family within the second [~~civil~~] degree of consanguinity or affinity
16 is subjected to threats to [~~his~~] life or bodily injury or there is a

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

5 "d) [He] **THE WITNESS** is not a law enforcement officer, [~~even if~~
6 ~~he would be testifying~~] **UNLESS THE TESTIMONY TO BE GIVEN**
7 **WILL BE** against other law enforcement officer(s). [~~In such a~~
8 ~~case, only the immediate members of his family may avail~~
9 ~~themselves of the protection provided for under this Act.~~]

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 **THE WITNESS'** knowledge or
15 information on the commission of the crime, and thereafter issue
16 the proper certification. For purposes of this Act, any such person
17 admitted to the Program shall be known as the Witness."

18 Sec. 2. Section 4 of Republic Act No. 6981, otherwise known as the "Witness
19 Protection, Security and Benefit Act", is hereby amended to read as follows:

20 "Sec. 4. *Witness in Legislative Investigations.* – In case of
21 legislative investigations in aid of legislation, [~~a witness,~~] **THE**
22 **SENATE OF THE PHILIPPINES OR THE HOUSE OF**
23 **REPRESENTATIVES, AS THE CASE MAY BE, MAY PROVIDE**
24 **FOR A SEPARATE 'WITNESS PROTECTION, SECURITY AND**
25 **BENEFIT PROGRAM' FOR ITS RESOURCE PERSONS AND/OR**
26 **WITNESSES. THE WITNESS AND/OR RESOURCE PERSON,**
27 [~~with his express consent,~~] may be admitted into the Program
28 upon **THE WRITTEN APPLICATION AND** the recommendation
29 of the legislative committee where [his] **THE** testimony is needed
30 when in its judgment there is a pressing necessity [~~therefore~~] **FOR**
31 **THE WITNESS' TESTIMONY OR THE PRODUCTION OF**
32 **DOCUMENTS OR EVIDENCE IN POSSESSION OR CUSTODY**

1 **OF THE WITNESS:** *Provided,* That such recommendation is
2 approved by the President of the Senate or the Speaker of the
3 House of Representatives, as the case may be.

4 **"THE SENATE OF THE PHILIPPINES OR THE HOUSE OF**
5 **REPRESENTATIVES, AS THE CASE MAY BE, SHALL HAVE**
6 **PRIMARY JURISDICTION IN THE ADMINISTRATION AND**
7 **IMPLEMENTATION OF THE LEGISLATIVE WITNESS**
8 **PROTECTION, SECURITY AND BENEFIT PROGRAM.**
9 **CONGRESS MAY REQUEST THE NECESSARY ASSISTANCE**
10 **FROM ANY DEPARTMENT, BUREAU, OFFICE OR ANY OTHER**
11 **EXECUTIVE AGENCY TO ASSIST IN THE IMPLEMENTATION**
12 **OF THE PROGRAM: *PROVIDED, HOWEVER,* THAT IN THE**
13 **EVENT THAT A CRIMINAL CASE HAS BEEN INSTITUTED,**
14 **FOR PRELIMINARY INVESTIGATION OR TRIAL IN THE**
15 **COURT, IN RELATION TO THE SUBJECT OF THE**
16 **LEGISLATIVE INQUIRY, ANY WITNESS TO THE CRIMINAL**
17 **CASE COVERED BY THE LEGISLATIVE WITNESS**
18 **PROTECTION, SECURITY AND BENEFIT PROGRAM SHALL**
19 **UPON THE RECOMMENDATION OF THE LEGISLATIVE**
20 **COMMITTEE CONCERNED, BE TURNED OVER TO THE**
21 **WITNESS PROTECTION, SECURITY AND BENEFIT**
22 **PROGRAM ADMINISTERED BY THE DEPARTMENT OF**
23 **JUSTICE: *PROVIDED, FURTHER,* THAT ANY WITNESS TO A**
24 **CRIMINAL CASE WHO IS COVERED BY THE PROGRAM**
25 **ADMINISTERED BY THE DEPARTMENT OF JUSTICE SHALL**
26 **CONTINUE TO BE COVERED AND SHALL REMAIN UNDER**
27 **SUCH PROGRAM NOTWITHSTANDING ANY LEGISLATIVE**
28 **INQUIRY THAT MAY BE INITIATED THEREAFTER WHERE**
29 **SUCH WITNESS MAY BE CALLED UPON TO TESTIFY AS A**
30 **RESOURCE PERSON.**

31 **"ANY WITNESS COVERED BY THE LEGISLATIVE WITNESS**
32 **PROTECTION, SECURITY AND BENEFIT PROGRAM SHALL**

1 ENJOY THE SAME RIGHTS AND BENEFITS, BEAR THE SAME
2 RESPONSIBILITIES AND SHALL BE SUBJECT TO THE SAME
3 CONDITIONS AS PROVIDED FOR IN THIS ACT.

4 "TO EFFECTIVELY CARRY OUT THIS PROVISION,
5 CONGRESS SHALL PROVIDE FUNDING FOR THE
6 IMPLEMENTATION OF ITS OWN WITNESS PROTECTION,
7 SECURITY AND BENEFIT PROGRAM AND PROMULGATE ITS
8 OWN RULES AND REGULATIONS."

9 Sec. 3. Section 5 of Republic Act No. 6981, otherwise known as the "Witness
10 Protection, Security and Benefit Act", is hereby amended to read as follows:

11 "Sec. 5. *Memorandum of Agreement (MOA) with the Person to be*
12 *Protected.* – [~~Before a person is provided~~] **AS A PREREQUISITE**
13 **TO THE AVAILMENT OF THE** protection under this Act, [~~he shall~~
14 ~~first execute~~] **THE WITNESS SHALL ENTER INTO** a
15 memorandum of agreement **WITH THE DEPARTMENT**, which
16 shall set forth [~~his~~] **CERTAIN** responsibilities including:

17 "a) To testify before and provide information to all appropriate law
18 enforcement officials concerning all appropriate proceedings in
19 connection with or arising from the activities involved in the offense
20 charged;

21 "b) To avoid the commission of a crime;

22 "c) To take all necessary precautions to avoid detection by others
23 of the facts concerning the protection provided [~~him~~] under this
24 Act;

25 "d) To comply with legal obligations and civil judgments against
26 [~~him~~] **ONE'S PERSON**;

27 "e) To cooperate with respect to all reasonable requests of officers
28 and employees of the Government who are providing protection
29 under this Act; [~~and~~]

30 "f) To regularly inform the appropriate program official of [~~his~~]
31 current activities and address[~~:-~~];

1 **"G) NOT TO COMMUNICATE WITH ANY ADVERSE PARTY OR**
2 **NEGOTIATE FOR OR ENTER INTO, AN AMICABLE**
3 **SETTLEMENT ON THE CIVIL OR CRIMINAL ASPECT OF THE**
4 **OFFENSE SUBJECT OF THE CASE OR INVESTIGATION; AND**
5 **"H) TO COMPLY WITH SUCH OTHER CONDITIONS AS THE**
6 **SECRETARY OF JUSTICE MAY DEEM PROPER TO IMPOSE**
7 **FOR THE SUCCESSFUL INVESTIGATION OR PROSECUTION**
8 **OF THE CASE OR TO PRESERVE THE INTEGRITY OF THE**
9 **PROGRAM."**

10 Sec. 4. Section 6 of Republic Act No. 6981, otherwise known as the "Witness
11 Protection, Security and Benefit Act", is hereby amended to read as follows:

12 "Sec. 6. *Breach of the Memorandum of Agreement.* – Substantial
13 breach of the memorandum of agreement shall be a ground for the
14 **IMMEDIATE** termination of the **BENEFITS AND** protection
15 provided under this Act[~~:- Provided, however, That before~~
16 ~~terminating such protection,~~]. The Secretary of Justice shall send
17 notice to the person involved of the termination of the **BENEFITS**
18 **AND** protection provided under this Act, stating therein the reason
19 for such termination."

20 Sec. 5. Section 7 of Republic Act No. 6981, otherwise known as the "Witness
21 Protection, Security and Benefit Act", is hereby amended to read as follows:

22 "Sec. 7. *Confidentiality [of Proceedings].* – All [proceedings]
23 **MATTERS** involving [application for] admission **AND COVERAGE**
24 [into] **UNDER** the Program [and the action taken thereon] shall be
25 confidential in nature[.] **AND [N]No** information or documents
26 [given or submitted in support thereof] **RELATIVE THERETO**
27 shall be released except upon written order of the Department or
28 the proper court.

29 "Any person who violates the confidentiality of said proceedings
30 shall upon conviction be punished with imprisonment of not less
31 than [~~one (1) year~~] **FOUR (4) YEARS** but not more than six (6)

1 years and deprivation of the right to hold a public office or
2 employment for a period of five (5) years.

3 **"NO INJUNCTION OR TEMPORARY RESTRAINING ORDER**
4 **SHALL BE ISSUED BY ANY COURT ENJOINING THE**
5 **ADMISSION OF THE WITNESS IN THE PROGRAM BY THE**
6 **DEPARTMENT."**

7 Sec. 6. Section 8 of Republic Act No. 6981, otherwise known as the "Witness
8 Protection, Security and Benefit Act", is hereby amended to read as follows:

9 "Sec. 8. *Rights and Benefits.* – The Witness shall have the **RIGHT**
10 **TO SECURITY AND PROTECTION AS WELL AS THE** following
11 ~~[rights and]~~ benefits:

12 "a) To have a secure housing facility until [he] **THE WITNESS** has
13 testified or until the threat, intimidation or harassment disappears
14 or is reduced to a manageable or tolerable level. When the
15 circumstances warrant, the Witness shall be entitled to relocation
16 and/or change of personal identity at the expense of the Program.
17 This right **TO A SECURE HOUSING FACILITY AND**
18 **RELOCATION** may be extended to any member of the family of
19 the Witness within the second ~~[civil]~~ degree of consanguinity or
20 affinity.

21 **"A CHANGE OF PERSONAL IDENTITY MAY INCLUDE A**
22 **CHANGE IN PHYSIOLOGICAL APPEARANCE OR CHANGE OF**
23 **NAME. THE SECRETARY OF JUSTICE, UPON APPLICATION**
24 **OF THE WITNESS COVERED UNDER THE PROGRAM AND IN**
25 **ACCORDANCE WITH THE RULES WHICH THE DEPARTMENT**
26 **SHALL HEREAFTER PROMULGATE, MAY ORDER A CHANGE**
27 **OF THE FIRST NAME, MIDDLE NAME AND/OR FAMILY**
28 **NAME OF THE WITNESS COVERED, WITHOUT NEED OF A**
29 **SEPARATE JUDICIAL ORDER OR ADMINISTRATIVE**
30 **PROCEEDINGS. PURSUANT TO SUCH ORDER, THE**
31 **SECRETARY OF JUSTICE MAY DIRECT ALL CONCERNED**
32 **AGENCIES OF THE GOVERNMENT TO MAKE THE**

1 **NECESSARY ENTRIES IN THEIR RESPECTIVE REGISTRIES**
2 **IN SUCH A MANNER THAT ENSURE THE CONFIDENTIALITY**
3 **OF THE PROCEEDINGS AND AVOID A DISCLOSURE OF THE**
4 **IDENTITY OF THE WITNESS.**

5 "b) The Department shall, whenever practicable, assist the Witness
6 in obtaining a means of livelihood. The Witness relocated pursuant
7 to this Act shall be entitled to a financial assistance from the
8 Program [~~for his support and that of his family~~] in such amount
9 and for such duration as the Department shall determine.

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

22 "Any Witness who failed to report for work because of witness duty
23 shall be paid [his] **BY ONE'S EMPLOYER THE** equivalent salaries
24 or wages corresponding to the number of days of absence
25 occasioned by the Program. For purposes of this Act, any fraction
26 of a day shall constitute a full day salary or wage. This provision
27 shall be applicable to both government and private employees.

28 "d) To be provided with reasonable travelling expenses and
29 subsistence allowance by the Program in such amount as the
30 Department may determine for his attendance in the court, body or
31 authority where [his] **THE WITNESS'** testimony is required, as

1 well as conferences and interviews with prosecutors or
2 investigating officers.

3 "e) To be provided with **NECESSARY** free medical **ATTENTION**,
4 treatment, hospitalization and medicines **PARTICULARLY** for any
5 injury, [~~or~~] illness, **OR ANYOTHER MEDICAL CONDITION**
6 incurred or suffered by [~~him because of~~] **THE WITNESS OR BY**
7 **THE SPOUSE AND MINOR OR DEPENDENT CHILDREN**
8 **WHILE ON** witness duty **OR WHILE IN THE TEMPORARY**
9 **SHELTER PROVIDED BY THE PROGRAM** in any [~~private or~~]
10 public hospital, clinic, or at any such institution at the expense of
11 the Program.

12 **"WITNESS DUTY SHALL INCLUDE THE ATTENDANCE OF**
13 **THE WITNESS IN THE COURT, BODY OR AUTHORITY**
14 **WHERE THE TESTIMONY IS REQUIRED AS WELL AS**
15 **CONFERENCES AND INTERVIEWS WITH PROSECUTORS OR**
16 **INVESTIGATING OFFICERS. A WITNESS WHO IS**
17 **RELOCATED TO AN ACCREDITED WITNESS PROTECTION,**
18 **SECURITY AND BENEFIT PROGRAM TEMPORARY SHELTER**
19 **SHALL BE CONSIDERED TO BE UNDER WITNESS DUTY FOR**
20 **THE DURATION OF STAY IN SAID TEMPORARY SHELTER."**

21 "f) If a Witness is killed, because of [~~his~~] participation in the
22 Program, [~~his~~] **THE WITNESS'** heirs shall be entitled to a burial
23 benefit of not less than Ten thousand pesos (P10,000.00) from the
24 Program exclusive of any other similar benefits [~~he~~] **THE**
25 **WITNESS** may be entitled to under other existing laws.

26 "g) [~~In case of death or permanent incapacity, his~~] **THE**
27 **WITNESS'** minor or dependent children shall be entitled to free
28 education **AND/OR EDUCATIONAL ASSISTANCE**, from primary
29 to college level in any state[, ~~or private~~] school, college or
30 university [~~as may be determined by the Department,~~] as long as
31 they shall have qualified thereto. **THE EDUCATIONAL BENEFITS**
32 **HEREIN PROVIDED CAN BE AVAILED BY THE WITNESS'**

1 **MINOR OR DEPENDENT CHILDREN FOR PRIMARY,**
2 **SECONDARY AND TERTIARY EDUCATION, BUT IN THE**
3 **LATTER CASE, NOT TO EXCEED FIVE (5) YEARS."**

4 Sec. 7. Section 10 of Republic Act No. 6981, otherwise known as the "Witness
5 Protection, Security and Benefit Act", is hereby amended to read as follows:

6 "Sec 10. ~~[State-Witness]~~ **ADMISSION OF OFFENDERS.** – Any
7 person who has participated in the commission of a crime and
8 desires to be a witness for the [State] **GOVERNMENT** can apply
9 and, if qualified as determined in this Act and by the Department,
10 shall be admitted into the Program whenever the following
11 circumstances are present:

12 "a) The offense in which [his] **THE** testimony will be used is a
13 grave felony as defined under the Revised Penal Code or its
14 equivalent under special laws;

15 "b) There is absolute necessity for [his] **THE** testimony;

16 "c) There is no other direct evidence available for the proper
17 prosecution of the offense committed;

18 "d) [His] **THE** testimony can be substantially corroborated on its
19 material points;

20 "e) [He] **THE PERSON** does not appear to be most guilty; and

21 "f) [He] **THE PERSON** has not at any time been convicted of any
22 crime involving moral turpitude.

23 **"THE ADMISSION OF A PERSON TO THE PROGRAM IS**
24 **DISTINCT AND SEPARATE FROM A DISCHARGE OF AN**
25 **ACCUSED FROM AN INFORMATION OR CRIMINAL**
26 **COMPLAINT BY THE COURT IN ORDER THAT SAID**
27 **ACCUSED MAY BE A STATE WITNESS PURSUANT TO**
28 **SECTION 17 OF RULE 119 OF THE REVISED RULES OF**
29 **COURT.**

30 "An accused discharged from an information or criminal complaint
31 by the court in order that [he] **THE ACCUSED** may be a State
32 Witness pursuant to ~~[Sections 9 and 10]~~ **SECTION 17** of Rule 119

1 of the Revised Rules of Court may, upon [his] petition, be admitted
2 to the Program [~~if he complies~~] **UPON COMPLIANCE** with the
3 other requirements of this Act. Nothing in this Act shall prevent the
4 discharge of an accused [~~so that can be used~~] **WHO QUALIFIED**
5 as [a] State Witness under **SECTION 17**, Rule 119 of the Revised
6 Rules of Court."

7 Sec. 8. Section 12 of Republic Act No. 6981, otherwise known as the "Witness
8 Protection, Security and Benefit Act", is hereby amended to read as follows:

9 "Sec. 12. *Effect of Admission of a [State] Witness into the*
10 *Program.* – The certification of admission into the Program by the
11 Department shall be given full faith and credit by the provincial or
12 city prosecutor who is required not to include the Witness in the
13 criminal complaint or information and if included therein, to petition
14 the court for [his] **THE** discharge **PURSUANT TO THIS ACT** in
15 order that [he] **ONE** can be utilized as a [State] Witness **FOR THE**
16 **PROSECUTION.** [~~The court shall order the discharge and~~
17 ~~exclusion of the said accused from the information.]~~

18 "Admission into the Program shall **AUTOMATICALLY** entitle such
19 [State] **COVERED** Witness to immunity from criminal prosecution
20 for the offense or offenses in which [his] **THE** testimony will be
21 given or used and [~~all the rights and benefits provided under~~
22 ~~Section 8 hereof~~] **THE COURT SHALL ORDER THE DISCHARGE**
23 **AND EXCLUSION OF THE SAID WITNESS FROM THE**
24 **INFORMATION."**

25 Sec. 9. A new Section (Section 12-A) shall be inserted between Section 12
26 and Section 13 of Republic Act No. 6981, which shall read as follows:

27 **"SEC. 12-A. PERPETUATION OF TESTIMONY. – A WITNESS**
28 **ONCE ADMITTED INTO THE PROGRAM SHALL PERPETUATE**
29 **THE TESTIMONY PURSUANT TO RULE 134 OF THE REVISED**
30 **RULES OF COURT."**

1 Sec. 10. Section 13 of Republic Act No. 6981, otherwise known as the
2 "Witness Protection, Security and Benefit Act", is hereby amended to read as
3 follows:

4 "Sec. 13. *Failure or Refusal of the Witness to **COOPERATE OR***
5 *Testify.* – ~~[Any Witness registered in the Program who fails or~~
6 ~~refuses to testify or to continue to testify without just cause when~~
7 ~~lawfully obliged to do so, shall be prosecuted for contempt. If he~~
8 ~~testifies falsely or evasively, he shall be liable to prosecution for~~
9 ~~perjury. If a State Witness fails or refuses to testify, or testifies~~
10 ~~falsely or evasively, or violates any condition accompanying such~~
11 ~~immunity without just cause as determined in a hearing by the~~
12 ~~proper court, his immunity shall be removed and he shall be~~
13 ~~subject to contempt or criminal prosecution. Moreover, the~~
14 ~~enjoyment of all rights and benefits under this Act shall be deemed~~
15 ~~terminated.]~~

16 ~~"[The Witness may, however, purge himself of the contumacious~~
17 ~~acts by testifying at any appropriate stage of the proceedings.]~~

18 **"A WITNESS COVERED UNDER THE PROGRAM WHO**
19 **UNJUSTLY FAILS OR REFUSES TO COOPERATE OR TESTIFY**
20 **IN THE INVESTIGATION OR PROSECUTION OF A CASE OR**
21 **WHO GIVES FALSE OR MISLEADING TESTIMONY SHALL BE**
22 **CRIMINALLY PROSECUTED AND SHALL, UPON**
23 **CONVICTION, SUFFER THE PENALTY OF IMPRISONMENT**
24 **OF NOT LESS THAN FOUR (4) YEARS BUT NOT EXCEEDING**
25 **SIX (6) YEARS. THE WITNESS SHALL ALSO BE REQUIRED**
26 **TO RESTITUTE ALL THE PROGRAM'S EXPENSES RELATIVE**
27 **TO HIS COVERAGE WITHOUT PREJUDICE TO**
28 **PROSECUTION FOR CONTEMPT UNDER OTHER EXISTING**
29 **LAWS."**

1 Sec. 11. Section 14 of Republic Act No. 6981, otherwise known as the
2 "Witness Protection, Security and Benefit Act", is hereby amended to read as
3 follows:

4 "Sec. 14. *Compelled Testimony.* – Any Witness admitted into the
5 Program pursuant to Sections 3 and 10 of this Act cannot refuse to
6 testify or give evidence or produce books, documents, records or
7 writings necessary for the prosecution of the offense or offenses for
8 which [~~he~~] **ONE** has been admitted into the Program on the
9 ground of the constitutional right against self-incrimination. [~~but~~
10 ~~he~~] **THE WITNESS** shall enjoy immunity from criminal prosecution
11 and [~~cannot~~] **SHALL NOT** be subjected to any penalty or forfeiture
12 for any transaction, matter or thing concerning his compelled
13 testimony or books, documents, records or writings produced.

14 "In case of refusal of [~~said~~] **THE** Witness to testify or give evidence
15 or produce books, documents, records, or writings, on the ground
16 of the right against self-incrimination, and the [~~state~~] **PUBLIC**
17 prosecutor or investigator believes that such evidence is absolutely
18 necessary for a successful prosecution of the offense or offenses
19 charged or under investigation, he, with the prior approval of the
20 Department, shall file a petition with the appropriate court for the
21 issuance of an order requiring said Witness to testify, give evidence
22 or produce the books, documents, records, and writings described,
23 and the court shall issue the proper order.

24 "The court, upon motion of the [~~state~~] **PUBLIC** prosecutor or
25 investigator, shall order the arrest and detention of the Witness in
26 any jail contiguous to the place of trial or investigation until such
27 time that the Witness is willing to give such testimony or produce
28 such documentary evidence."
29

1 Sec. 12. Section 15 of Republic Act No. 6981, otherwise known as the
2 "Witness Protection, Security and Benefit Act", is hereby amended to read as
3 follows:

4 "Sec. 15. ~~[Perjury or]~~ *Contempt.* – No Witness shall be exempt
5 from prosecution for ~~[perjury or]~~ contempt committed while giving
6 testimony or producing evidence under compulsion pursuant to this
7 Act. ~~[The penalty next higher in degree shall be imposed in case of~~
8 ~~conviction for perjury.]~~ The procedure prescribed under Rule 71 of
9 the Rules of Court shall be followed in contempt proceedings but
10 the penalty to be imposed shall not be less than one (1) month but
11 not more than one (1) year imprisonment."

12 Sec. 13. Section 17 of Republic Act No. 6981, otherwise known as the
13 "Witness Protection, Security and Benefit Act", is hereby amended to read as
14 follows:

15 "Sec. 17. *Penalty for Harassment of Witness.* – Any person who
16 harasses a Witness ~~[and thereby hinders, delays, prevents or~~
17 ~~dissuades a Witness]~~ **BY REASON OF THE SWORN STATEMENT**
18 **OR TESTIMONY GIVEN BY THE LATTER, OR WHO**
19 **ATTEMPTS TO HINDER, DELAY, PREVENT OR DISSUADE**
20 **THE WITNESS** from:

21 "a) attending or testifying before any judicial or quasi-judicial body
22 or investigating authority;

23 "b) reporting to a law enforcement officer or judge the commission
24 or possible commission of an offense, or a violation of conditions or
25 probation, parole, or release pending judicial proceedings;

26 "c) seeking the arrest of another person in connection with the
27 offense;

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

30 "e) performing and enjoying the rights and benefits under this Act
31 ~~[or attempts to do so,]~~ shall be fined not more than ~~[Three~~
32 ~~thousand pesos (P3,000.00)]~~ **TWENTY THOUSAND PESOS**

1 (P20,000.00) or suffer imprisonment of not less than [~~six (6)~~
2 months] **TWO (2) YEARS** but not more than [~~one (1) year,~~
3 **FOUR (4) YEARS**, or both[, and he shall also suffer the penalty of
4 perpetual disqualification from holding public office in case of a
5 public officer].

6 **"IN ADDITION, THE PENALTY OF PERPETUAL**
7 **DISQUALIFICATION FROM HOLDING PUBLIC OFFICE**
8 **SHALL BE IMPOSED UPON THE OFFENDER WHO IS A**
9 **PUBLIC OFFICER."**

10 Sec. 14. A new Section (Section 17-A) shall be inserted between Section 17
11 and Section 18 of Republic Act No. 6981, which shall read as follows:

12 **"SEC. 17-A. CONSTRUCTION OF PROVISIONS. – IN CASE**
13 **OF DOUBT, ANY PROVISION OF THIS ACT SHALL BE**
14 **CONSTRUED IN FAVOR OF THE ADMISSION OF THE**
15 **WITNESS."**

16 Sec. 15. *Appropriations.* – The amount necessary to carry out the
17 provisions of this Act shall be included in the annual General Appropriations Act.

18 Sec. 16. *Rules and Regulations.* – The Department of Justice shall
19 promulgate the necessary rules and regulations to implement this Act.

20 Sec. 17. *Separability Clause.* – If any section or provision of this Act shall be
21 declared unconstitutional or invalid, such shall not invalidate any other section of this
22 Act.

23 Sec. 18. *Repealing Clause.* – All laws, decrees, orders, rules, regulations,
24 ordinances or parts thereof which are inconsistent with this Act are hereby repealed
25 or modified accordingly.

26 Sec. 19. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
27 its complete publication in at least two (2) general newspapers of national
28 circulation.

Approved,