

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

7 JUN 30 P 4 43

SENATE

RECEIVED BY: 

S. No. 260

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INTRODUCED BY THE HONORABLE MAR ROXAS

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EXPLANATORY NOTE

This bill seeks to support the efforts of the Government to rid itself of corruption by setting up a system of rewards and protection for informants and their families.

The lack of a legal framework for giving rewards and protection to informers has resulted in *minimal protection to the informant and his family from possible retaliation, trial by publicity or an outright miscarriage of justice.* Moreover, the strong societal pressure from the possible stigma that may attach to an informant caused by divulging information detrimental to a neighbor or colleague more often than not outweighs any motivation to speak up.

That being the case, corrupt government officials and employees are emboldened to continue their nefarious activities as they feel little fear of exposure. At the same time, the potential informants are discouraged and de-motivated because they anticipate nothing else but *further hardship if ever they evaluate the effects of any act of disclosure.*

Thus, a mechanism to secure the person of the informant and counter the stigma of ostracism must be set up so that any potential informer on graft and corrupt activities will not hesitate to come out in the open.

This bill will set up such a mechanism specifically by (1) establishing a monetary-based rewards system for the benefit of informers, (2) protecting informants against reprisals and against civil or criminal liability when they make public interest disclosures, (3) ensuring that public disclosures are made to the proper public entity and not the media, (4) ensuring that the inappropriate publication of unsubstantiated disclosures does not damage the reputation of those accused, and (5) ensuring that proper records on disclosures are kept.

In view of the foregoing, approval of this bill is earnestly sought.

  
M A R ROXAS  
Senator

FOURTEENTH CONGRESS OF THE )  
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7 JUN 30 P4:11

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S. No. 260

INTRODUCED BY THE HONORABLE MAR ROXAS

AN ACT PROVIDING PROTECTION AND BENEFITS TO PERSONS WHO  
DISCLOSE CONDUCT CONSTITUTING GRAFT AND CORRUPTION AND TO  
WITNESSES FOR THE PROSECUTION THEREOF, PROVIDING PENALTIES  
FOR VIOLATIONS HEREOF, AND FOR OTHER PURPOSES

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Short Title.* - This Act shall be known as the "*Informers and Anti-Corruption Witnesses Protection Act of 2004.*" It shall hereinafter be referred to as the Act.

SEC. 2. *Declaration of Policy.* - Public office is a public trust. It is the policy of the State to promote and ensure full public accountability in the conduct of its officers and employees, and exact full retribution from those who shall engage in corrupt practices. Towards this end, the State shall:

- (a) maintain honest and high standards of integrity in the public service;
- (b) safeguard the national interest through the prosecution of corrupt and erring public officers and employees; and
- (c) encourage and facilitate the disclosure of corrupt conduct and incidences of corruption in the public service by providing benefits and protection to said persons who disclose corrupt conduct and incidences of corruption in the public service and to those who testify for the prosecution thereof.

1           Nothing in this Act shall diminish or restrict the entitlement, receipt or enjoyment  
2 by an informer or qualified witnesses of more or higher benefits provided in existing  
3 laws.

4           **SEC. 3. *Definition of Terms.*** -As used in this Act, the following terms shall have the  
5 following meanings:

6           (a) "*Protected disclosure*" shall mean the deliberate and voluntary disclosure of  
7 individual, collective or organizational conduct constituting graft and corruption  
8 as defined under Section 4 of this Act, by a person who has or had privileged or  
9 personal knowledge or access to data, events or information, in accordance with  
10 the provisions of this Act.

11          (b) "*Informer*" shall mean any person who shall make a protected disclosure, in  
12 confidence or publicly, before any qualified person, office or agency as defined  
13 under Section 15 of this Act, any conduct constituting graft and corruption. The  
14 term, however, shall not include a public officer or employee who makes a  
15 disclosure in connection with a matter subject of his official investigation.

16          (c) "*Public officers and employees*" shall mean elective or appointive officials and  
17 employees, whether permanent or temporary, of the national or local  
18 government, whether in the career or non-career service, including police,  
19 military and other law enforcement personnel. This includes officers and  
20 employees of government-owned or controlled corporations, whether or not with  
21 original charters. The term shall also include any person who has been appointed,  
22 designated or named by the government as its agent, representative, nominee, or  
23 any person having similar designation, in any private corporation.

24          (d) "*Employee*" shall mean any person who is made to suffer work by, or who renders  
25 service for, an employer. The term shall include public officers and employees as

1 defined in this Act, as well as any person considered an “employee” under the  
2 Labor Code.

3 (e) “*Employer*” shall mean any individual, partnership, association, corporation, or  
4 entity, including the government, or any person or group of persons who shall act  
5 directly or indirectly, for or on behalf of said individual, partnership, association,  
6 corporation or entity, who employs an employee as defined in this Act.

7 (f) “*Retaliatory Action*” shall mean reprisals and negative or obstructive responses or  
8 reactions to the disclosure made under this Act aimed at, or pertaining to, the  
9 informer or any of the members of his family and relatives up to the fourth  
10 degree of consanguinity or affinity. It includes, but is not limited to, civil,  
11 administrative or criminal proceedings commenced or pursued against the  
12 informer or any of the members of his family and relatives up to the second  
13 degree of consanguinity or affinity by reason of the disclosure made under this  
14 Act, as well as retaliatory action in the workplace.

15 (g) “*Retaliatory action in the workplace*” shall mean discriminatory conduct or  
16 policies which affect promotion or job assignment, including undue negative  
17 performance appraisals, close monitoring by supervisors, undue criticism or  
18 avoidance by co-workers, blacklisting from other job opportunities or prejudicial  
19 transfers by reason of the disclosure made under this Act.

20 (h) “*Qualified Witness*” shall mean a person qualified and admitted into the *Legal*  
21 *Protection Service* of the Office of the Ombudsman in accordance with this Act.

## 22 ARTICLE II

### 23 COVERAGE OF PROTECTED DISCLOSURE

24 SEC. 4. *Coverage*. - Conduct constituting graft and corruption, whether or not  
25 consummated or commenced before the effectivity of this Act, which is subject to the

1 protected disclosure under this Act shall mean conduct, acts or omissions of public officers or  
2 employees solely, or in conspiracy or cooperation with private persons, which are covered  
3 by, or amount to violations of:

4 (a) Republic Act No. 3019;

5 (b) Republic Act No. 1379;

6 (c) Republic Act No. 6713;

7 (d) Republic Act No. 7080;

8 (e) Presidential Decree No. 46; and

9 (f) Titles II and VII of Book Two of the Revised Penal Code.

10 The protected disclosure under this Act shall also include disclosures as to prejudicial  
11 conduct, acts or omissions, within the jurisdiction of the Office of the Ombudsman under  
12 Republic Act No. 6770.

### 13 ARTICLE III

#### 14 RIGHTS AND BENEFITS OF INFORMERS

15 **SEC. 5. *Protection Against Other Actions.*** - Any person who has made a protected  
16 disclosure under this Act shall not be subject to any liability, whether administrative, civil,  
17 criminal or other proceedings, for making a protected disclosure and no action, claim or  
18 demand may be taken or made of, or against, the informer for making the disclosure. This  
19 protection shall also operate as immunity in favor of the informer against any action or  
20 proceeding taken against him by any person subject of the protected disclosure and by reason  
21 thereof.

22 **SEC. 6. *Defense of Privileged Communication.*** - Any person who has made a protected  
23 disclosure under this Act shall have, as defense in any other inquiry or proceeding, the  
24 absolute privilege with respect to the subject matter of the disclosure or information given to  
25 a qualified person, office or agency as defined under Section 15 of this Act.

1           **SEC. 7. No Breach of Duty of Confidentiality.** - A person who has made a protected  
2 disclosure under this Act on whom a provision of law, regulation, issuance, practice, or other  
3 convention, imposes a duty to maintain confidentiality with respect to any information  
4 disclosed, is considered not to have committed a breach thereof.

5           **SEC. 8. Confidentiality.** - Except insofar as allowed by this Act, at all times during and  
6 after the protected disclosure, and throughout and after any proceeding taken thereafter, the  
7 informer is entitled to absolute confidentiality as to:

- 8           (a) his identity;
- 9           (b) the subject matter of his disclosure; and
- 10          (c) the person to whom such disclosure was made.

11           There shall be no such confidentiality in his identity if the informer makes a public  
12 disclosure of the conduct constituting graft and corruption; unless, notwithstanding such  
13 public disclosure, he has taken means and measures obviously intended to preserve his  
14 anonymity.

15           **SEC. 9. Confidential Information.** - No person to whom a protected disclosure has  
16 been made or referred shall disclose any information that may identify or tend to identify the  
17 informer or reveal the subject matter of such disclosure, except only as to the following  
18 circumstances:

- 19          (a) the informer consents in writing prior to the disclosure of the information;
- 20          (b) the disclosure is indispensable and essential, having regard to the necessary  
21             proceedings to be taken after the disclosure; or
- 22          (c) the disclosure or referral is made pursuant to an obligation under this Act.

23           The prohibition on disclosure under this Section shall apply to any person who has  
24 become privy to any confidential information, whether officially or by other means.

1            *SEC. 10. Protection Against Disciplinary Action or Reprisals.* - A person who has made  
2 or is believed or suspected to have made a protected disclosure under this Act is not liable to  
3 disciplinary action for making such protected disclosure. Prohibited acts under this Section  
4 include retaliatory action in the workplace or prejudicial conduct towards informers for  
5 making said disclosures, such as: discriminatory actions veiled behind policy and procedure,  
6 mostly to avoid claims of victimization; reprimand; punitive transfer; referral to a  
7 psychiatrist or counselor; and undue poor performance reviews. Other prejudicial conducts  
8 include obstruction of the investigation, withdrawal of essential resources, adverse reports  
9 and the attachment of unfair personnel file notes.

10            To this end, any employer shall discourage and impose sanctions on reprisals based on  
11 workplace interaction, which shall include workplace ostracism, questions and attacks on  
12 motives, accusations of disloyalty and dysfunction, public humiliation, and the denial of  
13 work necessary for promotion. Any employer who does, causes or encourages retaliatory  
14 action or reprisal against a informer or anyone believed or suspected to have made a  
15 protected disclosure shall be liable for an offense defined under this Act. Any employee who  
16 refuses to follow orders of an employer that would cause them to violate any provision of  
17 this Act shall likewise be protected from reprisals and retaliatory action in the workplace.

18            For purposes of this protection against retaliatory action in the workplace, prejudicial  
19 conduct, or discriminatory treatment against a informer or a person believed or suspected to  
20 be one, an employment applicant shall be deemed an employee and entitled to such  
21 protection.

22            In no case shall a informer be removed from, or demoted in, work because or on  
23 account of his absences necessitated by his discharge of his duties under this Act; *Provided,*  
24 *however,* that his employer shall be notified through a certification issued by the Office of  
25 the Ombudsman, within a period of thirty (30) days from the date when the informer last

1 reported for work; *Provided, further*, that in the case of prolonged absence due to transfer or  
 2 permanent relocation under this Act, the employer shall have the option to remove the  
 3 informer from employment after securing clearance from the Office of the Ombudsman,  
 4 which shall bind the Department of Labor and Employment.

5 **SEC. 11. *Security and Protection of the Informer.*** - When determined to be necessary  
 6 and appropriate by the Office of the Ombudsman, a informer, even if the disclosure is made  
 7 in confidence, shall be entitled to personal security. Should, at anytime, the identity of the  
 8 informer be revealed, or his anonymity compromised, the informer shall, in addition to the  
 9 other benefits of a informer under this Act, and when warranted, be entitled to the  
 10 applicable additional benefits of the *Legal Protection Service* established under this Act.

11 **SEC. 12. *Financial Reward for Informers.*** -The informer shall be entitled to a  
 12 corresponding monetary reward in accordance with the provisions of this Act and its  
 13 implementing rules and regulations.

14 For cases susceptible to pecuniary estimation, such as Plunder, forfeiture of ill-gotten  
 15 wealth, bribery, malversation and damage or injury to government, the informer shall be  
 16 entitled to ten percent (10%) of the amount recovered by final judgment.

17 For cases not susceptible of pecuniary estimation, the informer shall receive an  
 18 amount in accordance with the following schedule:

SALARY GRADE OF MOST SENIOR RESPONDENT	FINANCIAL REWARD OF QUALIFIED INFORMER
33	Ten Million Pesos (P 10,000,000.00)
32	Seven Million Pesos (P 7,000,000.00)
31	Six Million Pesos (P 6,000,000.00)
30	Five Million Pesos (P 5,000,000.00)
29	Four Million Pesos (P 4,000,000.00)
28	Three Million Pesos (P 3,000,000.00)
27	Two Million Pesos (P 2,000,000.00)
26	One Million Pesos (P 1,000,000.00)
21 to 25	Seven Hundred Thousand Pesos (P 700,000.00)
16 to 20	Five Hundred Thousand Pesos (P 500,000.00)
11 to 15	Three Hundred Thousand Pesos (P 300,000.00)
6 to 10	Two Hundred Thousand Pesos (P 200,000.00)
1 to 5	One Hundred Thousand Pesos (P 100,000.00)





1 (c) The disclosure pertains to a matter not yet the subject of a complaint already filed  
2 with, or investigated by the Office of the Ombudsman or by any other  
3 investigating agency; unless, if in the opinion of the Ombudsman, the disclosures  
4 are necessary for the effective and successful prosecution, or essential for the  
5 acquisition of material evidence not yet in its possession.

6 (d) The disclosure is made before any qualified person, office or agency as defined  
7 under Section 15 of this Act.

8 (e) The informer assists or participates in the proceedings commenced to enforce the  
9 provisions of this Act in connection with the subject matter of his disclosure.

10 (f) The information given by the informer can be supported by other material  
11 evidence, and,

12 (g) The information disclosed leads to a successful conduct of investigation and  
13 gathering of evidence sufficient to sustain a finding of probable cause for the filing  
14 of a criminal indictment before the court of competent jurisdiction, or of *prima*  
15 *facie* case for the filing of a petition for forfeiture of ill-gotten wealth under  
16 Republic Act No. 1379.

17 **SEC. 15. *Qualified Person, Office or Agency.*** - A qualified person, office or agency  
18 before which a protected disclosure can be made shall include:

19 (a) Officials and employees of the Office of the Ombudsman;

20 (b) Secretaries and Undersecretaries of Departments;

21 (c) Members of Congress;

22 (d) Local chief executives of local government units;

23 (e) Heads of public offices, agencies, bureaus and government-owned or controlled  
24 corporations;

25 (f) Prosecutors and officials of the Department of Justice; and

1 (g) Members of the Armed Forces of the Philippines, the Philippine National Police,  
2 the National Bureau of Investigation and other law enforcement offices; and

3 (h) Members of the media.

4 **SEC. 16. *Necessity for Testimony.*** - Unless found by the Office of the Ombudsman to  
5 be necessary and indispensable for the successful prosecution of the persons subject of the  
6 protected disclosure, the testimony of the informer in court shall not be necessary for the  
7 receipt or enjoyment by the informer of the benefits of this Act. In the event that the  
8 informer's testimony is required, he shall be entitled to the additional benefits and protection  
9 of the *Legal Protection Service*.

10 **SEC. 17. *Unprotected Disclosures.*** - The following disclosures shall not be deemed a  
11 protected disclosure under this Act:

12 (a) Disclosures made by a public officer or employee in connection with a matter  
13 subject of his official investigation;

14 (b) Disclosures which later appear to be groundless or without basis. An  
15 investigation may be declined or discontinued if it is shown that the disclosure  
16 was made without reasonable grounds;

17 (c) Disclosures concerning merits of government policy, unless the same is contrary  
18 to law or covered by Section 4 of this Act;

19 (d) False or misleading disclosures; and

20 (e) Disclosures that were later retracted by the informer for any reason. Such person  
21 shall lose the right to claim benefit or protection under this Act for the same or  
22 future disclosures.

23 **SEC. 18. *Disclosures Made by a Party.*** - A disclosure made by a person who is himself  
24 a party to the disclosed conduct constituting graft and corruption, whether as a principal,

1 accomplice or accessory, is deemed a protected disclosure under this Act and such person  
2 shall be entitled to the benefits of *an* informer; provided,

- 3 (a) The informer complies with the conditions under Section 14 hereof;
- 4 (b) The informer has not been previously convicted by final judgment of a crime  
5 involving moral turpitude; and
- 6 (c) The informer shall agree to stand as witness for the State and later testifies in  
7 accordance with his disclosures.

8 Said person shall be immune from any kind of prosecution respecting the matter on  
9 which he testified.

10 **SEC. 19. *Disclosures Prior to this Act.*** - A disclosure made prior to the effectivity of  
11 this Act shall be deemed a protected disclosure entitled to protection under this Act;  
12 provided; all the conditions herein are satisfied.

## 13 ARTICLE V

### 14 OTHER RIGHTS AND OBLIGATIONS

15 **SEC. 20. *Disclosures Made Before Qualified Persons.*** - Any person under Section 15 of  
16 this Act to whom a disclosure was made shall have the following obligations:

- 17 (a) Maintain and protect the confidentiality of the identity of the informer;
- 18 (b) Maintain and protect the confidentiality of the subject matter of the disclosure,  
19 until measures have been taken to assure the protection and well-being of the  
20 informer, and the said disclosure and subject matter thereof had been reported to  
21 the *Office of the Ombudsman*; and
- 22 (c) Report the disclosure and its full details within thirty (30) days from such  
23 disclosure to the Office of the Ombudsman for its proper investigation and the  
24 processing of the informer to qualify under the protection and benefits of this  
25 Act.

1           **SEC. 21. *Disclosures Made to Other Persons.*** - Any person not falling under Section 15  
2 of this Act to whom a disclosure was made shall have the following obligations:  
3           (a) Maintain and protect the confidentiality of the identity of the informer;  
4           (b) Maintain and protect the confidentiality of the subject matter of the disclosure;  
5           and  
6           (c) Report the disclosure and its full details within sixty (60) days from such  
7 disclosure to the Office of the Ombudsman or any of the qualified persons  
8 enumerated under Section 15 of this Act.

9           Notwithstanding the provisions of Section 15 of this Act, a disclosure made to a  
10 person not included therein shall nevertheless be deemed a protected disclosure; provided  
11 that, there is manifest intention on the part of the informer to have the same disclosure  
12 referred, forwarded or indorsed to any of the qualified persons under Section 15 of this Act;  
13 Provided further, that all the other conditions under this Act are satisfied; and Provided  
14 finally, that the disclosure and the subject matter thereof are reported to any qualified person  
15 under Section 15 of this Act.

16                                   **ARTICLE VI**  
17                                   **LEGAL PROTECTION SERVICE**

18           **SEC. 22. *Legal Protection Service.*** - A protection program for the benefit and  
19 protection of the informers and witnesses of the Office of the Ombudsman in pursuit of the  
20 provisions of this Act, and which is called the Office of the Ombudsman's *Legal Protection*  
21 *Service*, is hereby created. Said *Legal Protection Service* shall be controlled and administered  
22 by the Office of the Ombudsman and shall be responsible for the processing, determination  
23 and/or granting of benefits to informers and/or qualified witnesses under this Act.

24           **SEC. 23. *Coverage.*** - The *Legal Protection Service* contemplated in this Act and which  
25 is to be administered by the Office of the Ombudsman shall cover only those offenses or

1 conduct constituting graft and corruption specified under Section 4 of this Act, The  
2 Department of Justice shall continue to administer its Witness Protection Program under  
3 Republic Act No. 6981 as to other cases.

4 **SEC. 24. *Qualified Witnesses.*** – The term, as defined in Section 3(h) hereof, and  
5 subject to their compliance with the provisions of this Act as determined by the Office of the  
6 Ombudsman, shall include the following persons:

7 (a) Informers whose testimony is found by the Office of the Ombudsman to be  
8 necessary and indispensable for the successful prosecution of the persons subject  
9 of the protected disclosure under Section 16 of this Act;

10 (b) Persons covered by Section 18 of this Act who disclose conduct constituting graft  
11 and corruption prior to the discovery thereof or prior to the filing of any  
12 complaint thereon, or the conduct of any investigation in connection therewith;

13 (c) State Witness as defined in this Act;

14 (d) Persons discharged under Section 17, Rule 119 of the Revised Rules on Criminal  
15 Procedure; and

16 (e) Such other persons who qualify under the provisions of this Act.

17 **SEC. 25. *State Witness.*** - The term shall mean any person who has participated in the  
18 commission of a conduct constituting graft and corruption under Section 4 of this Act and  
19 who, being already the subject of an investigation or a respondent or accused in a case  
20 already filed with the court or pending with the Office of the Ombudsman or any other  
21 tribunal or agency or investigative body, in connection with, or about, the very matter  
22 subject of his proposed disclosure and testimony, desires to be a witness for the State.

23 **SEC. 26. *Rights and Benefits of Qualified Witnesses.*** - When necessary, qualified  
24 witnesses under this Act shall have the following rights and benefits:

25 (a) Personal and bodily security and protection;

- 1 (b) A secure housing facility until he has testified or until the threat, intimidation or  
2 harassment disappears or is reduced to a manageable or tolerable level. When the  
3 circumstances warrant, the witness shall be entitled to relocation and/or change  
4 of personal identity at the expense of the government. This right may be extended  
5 to any member of the family of the witness within the second civil degree of  
6 consanguinity or affinity;
- 7 (c) Assistance from the government, or through the Office of the Ombudsman, in  
8 obtaining a means of livelihood. Further, should the witness be relocated  
9 pursuant to this Act, he shall be entitled to a financial assistance for his support  
10 and that of his family in such amount and for such duration as the Office of the  
11 Ombudsman may determine;
- 12 (d) Compensation in the amount equivalent to his salaries or wages for such number  
13 of days of absence occasioned by the necessity to stand as witness for the State.  
14 For purposes of this Act, any fraction of a day shall constitute a full day salary or  
15 wage. This provision shall be applicable to both government and private  
16 employees;
- 17 (e) Reasonable traveling expenses and subsistence allowance in such amount as the  
18 Office of the Ombudsman may provide in accordance with the implementing  
19 rules and regulations of this Act, for his attendance and presence at court, office,  
20 authority or other places pursuant to his discharge of his obligations herein;
- 21 (f) Free medical treatment, hospitalization and medicines for any injury or illness  
22 incurred or suffered by him because of witness duty in any private or public  
23 hospital, clinic, or at any such institution at the expense of the government;
- 24 (g) Financial benefits, in the event that the witness is killed because of or in  
25 connection with the discharge of his obligations under this Act, in the amount of

1 One Hundred Thousand Pesos (P 100,000.00), exclusive of any other similar  
2 benefits he may be entitled to under other existing laws;

3 (h) In case of death or permanent incapacity, his minor or dependent children shall  
4 be entitled to free education, from primary to college level in any State college or  
5 university, as may be determined by the Office of the Ombudsman, as long as  
6 they shall have qualified thereto; and

7 (i) Protection against disciplinary action or reprisals, including prejudicial and  
8 discriminatory treatment in the workplace, as defined in Section 10 of this Act.

9 **SEC. 27. *Conditions for Enjoyment of Rights and Benefits.*** - To be qualified for the  
10 rights and benefits under the foregoing section, the person must have witnessed or has  
11 personal knowledge or information on the commission of a crime subject hereof and has  
12 testified or is testifying or about to testify before any judicial or quasi-judicial body, or before  
13 any investigating authority, and must satisfy the following conditions:

14 (a) The offense that shall be proven by the testimony must be among those  
15 enumerated in Section 4 of this Act.

16 (b) There is absolute necessity for his testimony;

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

19 (d) His testimony can be substantially corroborated on its material points;

20 (e) He does not appear to be most guilty; and

21 (f) He has not at any time been convicted of any crime involving moral turpitude.

22 **SEC. 28. *Personal Security and Protection.*** - To be entitled to personal security and  
23 protection, a witness who satisfies the foregoing requirements, or members of his family  
24 within the second degree of consanguinity or affinity, must be the subject of threats to life or  
25 bodily harm or injury or, if in the opinion of the Ombudsman, there is a likelihood of such



1 threat, force, intimidation, harassment or corruption to prevent said witness from testifying,  
2 or to cause him to testify falsely, or evasively on account of his testimony.

3 **SEC. 29. *Law Enforcers as Witnesses.*** - Nothing in this Act shall disqualify a law  
4 enforcement officer, otherwise qualified to stand as witness for the State, from being entitled  
5 to the full protection and benefits of the *Legal Protection Service*; *Provided*, however, that  
6 the matter for which his testimony is necessary is not the matter subject of his official  
7 investigation or inquiry.

8 **SEC. 30. *Formal Requirements.*** - Any person desiring to be placed under the coverage  
9 of the *Legal Protection Service* of the Office of the Ombudsman and who shall stand as a  
10 witness for the State, shall execute a sworn statement detailing his knowledge or  
11 information, which he shall warrant to be the truth, on the commission of the offenses  
12 within the coverage of Section 4 of this Act, as well as a *Memorandum of Agreement*.

13 **SEC. 31. *Memorandum of Agreement.*** - Before a person is provided protection as an  
14 informer or witness for the State, he shall first execute a *Memorandum of Agreement* which  
15 shall set forth his responsibilities including the following:

16 (a) Except insofar as provided in Section 16 of this Act for informers, to testify before  
17 and provide information to all appropriate law enforcement officials concerning  
18 all appropriate proceedings in connection with or arising from the activities  
19 involved in the offense subject matter thereof;

20 (b) To avoid the commission of a crime;

21 (c) To take all necessary precautions to avoid detection by others of the facts  
22 concerning the protection provided him under this Act;

23 (d) To comply with legal obligations and civil judgments against him;

24 (e) To cooperate with respect to all reasonable requests of officers and employees of  
25 the government who are providing protection under this Act; and

1 threat, force, intimidation, harassment or corruption to prevent said witness from testifying,  
2 or to cause him to testify falsely, or evasively on account of his testimony.

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20 (b) To avoid the commission of a crime;

21 (c) To take all necessary precautions to avoid detection by others of the facts  
22 concerning the protection provided him under this Act;

23 (d) To comply with legal obligations and civil judgments against him;

24 (e) To cooperate with respect to all reasonable requests of officers and employees of  
25 the government who *are* providing protection under this Act; and

1 (f) To regularly inform the appropriate program official of his current activities and  
2 address.

3 **SEC. 32. *Breach of the Memorandum of Agreement.*** - Substantial breach of the  
4 *Memorandum of Agreement* shall be a ground for the termination of the protection provided  
5 under this Act; *Provided*, however, that before terminating such protection, the Ombudsman  
6 shall send notice to the person involved of the termination of the protection provided under  
7 this Act, stating therein the reason for such termination. Reasonable time shall be afforded  
8 the witness to take the appropriate and necessary measures for his protection and security in  
9 view of the termination of the protection under this Act.

10 **SEC. 33. *Confidentiality of Proceedings.*** - All proceedings involving application and/or  
11 enjoyment of the benefits under the *Legal Protection Service* of the Office of the  
12 Ombudsman, including any action taken thereon shall be confidential in nature. No  
13 information or documents given or submitted in support thereof shall be released except  
14 upon written order of the Office of the Ombudsman, and when, in the opinion of the  
15 ombudsman, such disclosure shall not endanger the life of a qualified witness.

16 **SEC. 34. *Speedy Hearing or Trial.*** - In any case where a person qualified as a witness  
17 for the State and under the protection of the *Legal Protection Service* of the Office of the  
18 Ombudsman shall testify, the judicial or quasi-judicial body, or investigating authority shall  
19 assure a speedy hearing or trial on such case and shall endeavor to finish said proceeding  
20 within three (3) months from the filing of the case.

21 **SEC. 35. *Immunity.*** - A qualified witness shall be immune from criminal prosecution  
22 for the offense or offenses about which he gave or will give his testimony, or in which  
23 connection his testimony shall be used.

24 **SEC. 36. *Restitution.*** -For a witness under Section 25 of this Act to qualify as a witness  
25 under the *Legal Protection Service* of the Office of the Ombudsman and enjoy its rights and

1 benefits, he shall, in addition to the other conditions herein, retribute or compensate the  
2 government in such amount or amounts, or properties he may have received by reason, or in  
3 consideration of, his participation in the conduct constituting graft and corruption subject of  
4 his testimony.

5       **SEC. 37. *Failure or Refusal of the Witness to Testify.*** - Any qualified witness enjoying  
6 the benefits under the *Legal Protection Service* who fails or refuses to testify, or to continue  
7 to testify, or who adversely varies his testimony without just cause, shall be prosecuted for  
8 contempt. If he testifies falsely or evasively, he shall be liable to prosecution for perjury. Any  
9 of the foregoing shall be sufficient for the termination of the benefits and protection under  
10 this Act and the loss of his other rights herein, including his immunity from criminal  
11 prosecution.

12       **SEC. 38. *Compelled Testimony.*** - Any witness qualified under or pursuant to Section  
13 25 of this Act cannot refuse to testify or decline the production of evidence, including bank  
14 documents, books, financial documents, records or writings necessary for the understanding  
15 or prosecution of the offense or offenses for which he has agreed to testify. However, he shall  
16 enjoy immunity from criminal prosecution and cannot be subjected to any penalty or  
17 forfeiture for any transaction, matter or thing concerning his compelled testimony or  
18 production of books, documents, records and writings.

19       In case of refusal of said witness to testify or give evidence or produce books,  
20 documents, records, or writings, on the ground of the right against self-incrimination, and  
21 the Office of the Ombudsman believes that such evidence is absolutely necessary for a  
22 successful prosecution of the offense or offenses charged or under investigation, the Office of  
23 the Ombudsman shall, even during the pendency of an investigation and prior to the  
24 commencement of an action in court, file a petition with the appropriate court for the

1 issuance of an order requiring such testimony, or production of evidence, books, documents,  
2 records, and writings described, and the court shall issue the proper order.

3 In addition, the court, upon motion of the Office of the Ombudsman, shall order the  
4 arrest and detention of the witness in any jail at or near the place of trial or investigation  
5 until such time that the witness is willing to give such testimony or produce such evidence,  
6 books, documents, records, and writings necessary.

7 **SEC. 39. *Credibility of Witness.*** - In all criminal cases, the fact of the entitlement of  
8 the qualified witness to the protection and benefits provided for in this Act shall not be  
9 admissible in evidence to diminish or affect his credibility.

10 **SEC. 40. *Powers and Functions of the Ombudsman.*** - In addition to its powers and  
11 functions under existing laws, the Office of the Ombudsman shall have the following powers  
12 and functions:

- 13 (a) Supervise, monitor and coordinate all efforts relative to the implementation and  
14 enforcement of the provisions of this Act;
- 15 (b) Investigate all disclosures made under this Act and prosecute the same, when  
16 warranted;
- 17 (c) Evaluate the qualification of informers and witnesses for coverage within this Act,  
18 and make the appropriate decision on their entitlement to the benefits extended  
19 herein;
- 20 (d) Undertake, in coordination and cooperation with the private and public sectors,  
21 an information campaign to educate the public on the provisions and benefits of  
22 this Act;
- 23 (e) Develop plans and implement programs to further encourage informers on graft  
24 and corrupt activities with a view to effective deterrence and/or prosecution;

1 (f) Control and administer, consistent with the provisions and purpose of this Act, a  
2 *Legal Protection Service* for the protection and benefit of the informers and  
3 witnesses of the State in connection with the cases within the coverage of Section  
4 4 of this Act;

5 (g) Call upon, or deputize, any department, bureau, office or any other government  
6 agency or public official, to assist in the effective implementation and  
7 enforcement of this Act; and

8 (h) Grant immunity in accordance with provisions of this Act and its implementing  
9 rules and regulations.

## 10 ARTICLE VII

### 11 REMEDIES AND SANCTIONS

12 **SEC. 41. *Violation of Confidentiality.*** - Any person who violates the protection of  
13 confidentiality of a protected disclosure under Sections 8, 9, 20 and 21 of this Act, and of the  
14 confidentiality of proceedings under Section 32 of this Act, shall be guilty of an offense and  
15 shall suffer the penalty of not more than six (6) years, but not less than six (6) months  
16 imprisonment, and shall be civilly liable to indemnify the informer or qualified witness in  
17 such amount of damages as may be awarded and deemed reasonable by a competent court.

18 **SEC. 42. *Retaliatory Action in the Work Place.*** - Any person who shall make or cause  
19 prejudicial conduct and reprisals, as defined in this Act, against an employee who is a  
20 informer or believed or suspected to be one, or a qualified witness under this Act, shall be  
21 guilty of an offense and shall suffer the penalty of not more than six (6) months  
22 imprisonment, and shall be civilly liable to indemnify the informer or qualified witness in  
23 such amount of damages as may be awarded and deemed reasonable by a competent court.

1 Towards this end, the aggrieved informer or qualified witness shall be entitled to the  
2 provisional remedy of injunction against any retaliatory action in the workplace, prejudicial  
3 conduct or discriminatory treatment by reason of the informer's testimony.

4 The proceedings herein shall be independent of any action that an aggrieved person  
5 may take before the Civil Service Commission, the Department of Labor and Employment  
6 for unfair or discriminatory practices, backwages, or other labor disputes, or before other  
7 quasi-judicial agencies that may or may not have arisen from a protected disclosure or  
8 believed or suspected disclosure.

9 **SEC. 43. *Discriminatory Hiring.*** - Any person, firm, corporation, office or employer  
10 who shall deny employment from a qualified applicant, or who shall reject his application for  
11 employment, due to knowledge, belief or suspicion that the applicant is an informer or a  
12 witness for the State, shall be guilty of an offense and shall suffer the penalty of not more  
13 than two (2) months imprisonment, and shall be civilly liable to indemnify the informer in  
14 such amount of damages as may be awarded and deemed reasonable by a competent court.

15 **SEC. 44. *Failure of an Employer to Post Abstract.*** - The failure to post an *Abstract*  
16 required under Section 11 of this Act shall constitute an offense and shall be penalized with a  
17 fine in the amount of Fifty Thousand Pesos (P 50,000.00). For purposes of exacting the fine,  
18 the president, manager, or head of office, bureau or agency shall be held responsible.

19 **SEC. 45. *Failure to Act or Report to the Office of the Ombudsman.*** - Any person  
20 under obligation to report a disclosure under this Act to the Office of the Ombudsman, who  
21 fails to do so within the period prescribed, or who fails to act thereon or cause an  
22 investigation thereof, shall be guilty of an offense and shall suffer the penalty of not more  
23 than one (1) month imprisonment, and/or a fine amounting of not more than Fifty Thousand  
24 Pesos (P 50,000.00).





1           **SEC. 48. *Implementing Rules and Regulations*** - Within six (6) months from the  
2           effectivity of this Act, the Office of the Ombudsman shall promulgate the Implementing  
3           Rules and Regulations of this Act.

4           **SEC. 49. *Appropriations***. - The amount of Two Hundred Million Pesos Only (P  
5           200,000,000.00) is hereby appropriated from the Office of the President and released to the  
6           Office of the Ombudsman to implement and enforce the provisions of this Act, including the  
7           establishment and operation of its *Legal Protection Service*. Thereafter, such funds as are  
8           necessary for the effective and continued implementation of this Act shall be taken from,  
9           and included in, the annual General Appropriations Act.

10           **SEC. 50. *Transition***. - The Witness Protection Program administered by the  
11           Department of Justice shall continue to administer and cover witnesses otherwise covered  
12           herein by the *Legal Protection Service* of the Office of the Ombudsman, until the Office of  
13           the Ombudsman shall have established its own *Legal Protection Service*, promulgated its  
14           rules and completed its logistics necessary for the operation of the *Legal Protection Service*,  
15           which shall not be more than nine (9) months from the effectivity of this Act.

16           **SEC. 51. *Separability Clause***. - If any provision of this Act or the application of such  
17           provision to any person or circumstances is declared, with finality, to be invalid or  
18           unconstitutional, the same shall not affect the remainder of the Act or its other provisions  
19           otherwise completely enforceable and independent of such invalid provision; or the  
20           application of such provision to other persons or circumstances.

21           **SEC. 52. *Effectivity Clause***. - This Act shall take effect within fifteen days after its  
22           publication in the Official Gazette and in at least two (2) national newspapers of general  
23           circulation.

24           **SEC. 53. *Repealing Clause***. - All laws, decrees, executive orders, issuances, rules and  
25           regulations inconsistent with this Act are hereby repealed or modified accordingly.

Approved,