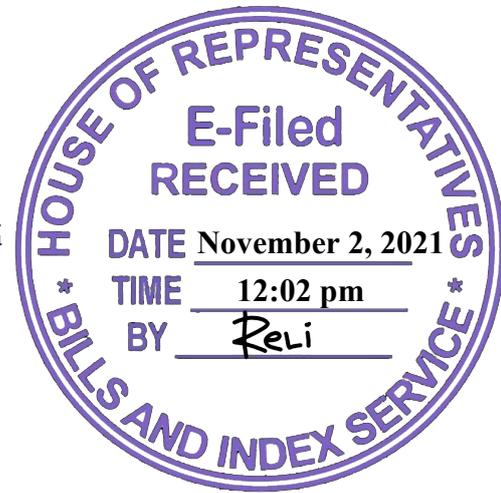


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 10436



INTRODUCED BY
REP. ALFRED VARGAS

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

Article 2, Section 5 of the 1987 Philippine Constitution provides:

“The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.”

Article 2, Section 27 of the Constitution also provides:

“The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption.”

In 2008, the United Nations’ Special Rapporteur on extra-judicial, summary or arbitrary executions, Professor Philip Alston, recommended reforms to the Witness Protection Program (WPP) of the Philippines through possible amendments to improve Republic Act No. 6981 or the Witness Protection, Security and Benefit Act.¹

According to Prof. Alston, problems arise in highly political cases

¹ Reforms required to protect witnesses in the Philippines.
<<http://www.humanrights.asia/resources/journals-magazines/article2/1001/appendix-reforms-required-to-protect-witnesses-in-the-philippines>>.

involving high-ranking government officials. This was apparent when the Commission on Human Rights (CHR) had to develop their own witness protection program, notably for cases involving human rights violations by State-agents, and separate from the Department of Justice. Alston also noted the uneven application of the law. Currently, the law does not provide protection to policemen and the military, even if they were to testify against their superiors. As a result, these officers decide not to step forward and speak out against anomalies involving their superiors. Alston added that officers who do speak out against their superiors' anomalies either testify without protection or pay the National Bureau of Investigation a certain fee to extend protection and security to themselves and their families

This bill seeks to address some of the deficiencies of the current Witness Protection Program by proposing amendments to RA 6981. It is the hope of this measure to provide greater protection to witnesses against high-ranking government officials from political interference and control. This can be done by transferring the primary responsibility of the witnesses' protection and security to the Commission on Human Rights, an independent body created under the Constitution. This bill also seeks to admit into the program law enforcement officers, who are testifying against their superiors and need witness protection and assistance.

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



ALFRED VARGAS

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

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

“Sec. 2. Implementation of Program. - The Department of Justice, hereinafter referred to as the Department, through its Secretary, shall formulate and implement a "Witness Protection, Security and Benefit Program", hereinafter referred to as the Program, pursuant to and consistent with the provisions of this Act.

The Department may call upon any department, bureau, office or any other executive agency to assist in the implementation of the Program and the latter offices shall be under legal duty and obligation to render such assistance.

HOWEVER, IN CASES WHERE THE WITNESS WILL BE TESTIFYING AGAINST HIGH-RANKING GOVERNMENT OFFICIALS OR MEMBERS OF SECURITY FORCES ACCUSED OF PERPETRATING CRIMES, AND WHERE THE WITNESS FALLS UNDER SECTION 3 (D) OF THIS RULE, THE DEPARTMENT SHALL CREATE AN INDEPENDENT AND SPECIAL SECURITY FORCE TO ENSURE THE SAFETY OF SUCH WITNESSES.

HIGH-RANKING GOVERNMENT OFFICIALS ARE THOSE WHO ENJOY A SALARY GRADE OF 27 AND ABOVE.”

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

“Sec. 3. Admission in the Program. - Any person who has witnessed or has knowledge or information on the commission of a crime and has testified or is testifying or about to testify before any judicial or quasi-judicial body, or before any investigating authority, may be admitted into the Program:

....

(d) he is not a law enforcement officer, ~~even if he would be testifying~~ UNLESS THE TESTIMONY TO BE GIVEN WILL BE against other law enforcement officers. In such a case, [only] the immediate members of his family may ALSO avail themselves of the protection provided for under this Act.”

SECTION 3. Repealing Clause. – All laws, executive orders, presidential decrees, Implementing Rules and Regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 4. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,