

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**SEVENTEENTH CONGRESS**  
**FIRST REGULAR SESSION**

**HOUSE BILL NO. 465**



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Introduced by CIBAC Party List Representative  
Sherwin Tugna

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**AN ACT**  
**PROVIDING FOR THE PROTECTION, SECURITY AND BENEFITS OF THE**  
**WHISTLEBLOWERS, APPROPRIATING FUNDS THEREFORE AND FOR OTHER**  
**PURPOSES**

**EXPLANATORY NOTE**

The evils of graft and corruption have always plagued both the public and private sectors of our society in the Philippines. Graft and corruption in our society weakens our democracy and the integrity of our various institutions, leads to violations of human rights, distorts markets, prevents the proper delivery of basic services to the people, increases inequality and injustice in the society and allows organized crime, terrorism and other threats to human security to flourish. Therefore, there is a need to minimize, if not to totally eradicate graft and corruption in our society.

Aside from graft and corruption prevalent in our country, there are also rampant criminal activities that must be stopped. The criminals involved must be prosecuted and adjudged to be guilty of the crimes committed. There are instances that information on unlawfully acquired property of a person may lead the authorities to be informed of other criminal activities which serve as sources of the said unlawfully acquired properties or wealth.

Building up of cases is very important in order to file an intelligent and substantial complaint that may warrant the finding of a probable cause, or even guilt beyond reasonable doubt. There maybe people who know certain pieces of information which

are relevant and may be used to either further investigate the person/s involved, or file the necessary complaint. However, these people may be afraid to come out because there is a possibility that their identities may be revealed, their lives be endangered or their lives be affected due to reprisals or discrimination. Consequently, in order to ensure that whistleblowers or informants would come out to help the government go against corrupt officials and other criminals, the government must give them benefits and protection.

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



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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Whistleblower Protection,  
2 Security and Benefit Act of 2016."

3 **SECTION. 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 graft and corrupt  
6 practices. Towards this end, the State shall:  
7

- 8 (a) Maintain honest and high standards of integrity in the public service;  
9 (b) Safeguard the national interest through the investigation and prosecution of  
10 corrupt and erring public officials and employees; and  
11 (c) Encourage and facilitate the disclosure of corrupt conduct and practices in  
12 the public service by providing benefits and protection to whistleblowers.

13 Nothing in this Act shall diminish or restrict the entitlement, receipt or enjoyment by a  
14 whistleblower of more or higher benefits provided in existing laws.

15 **SECTION 3. Definition of Terms.** - As used in this Act, the following terms are hereby  
16 defined as follows:

- 17 (a) Acts constituting graft and corruption refer to any conduct, act or omission of  
18 public officers and employees which are covered by, or constitute as violations of:  
19 (1) Republic Act No. 3019, otherwise known as the "Anti-Graft and Corrupt  
20 Practices Act";  
21 (2) Sections 7, 8 and 9 of Republic Act No. 6713, otherwise known as the "Code  
22 of Conduct and Ethical Standards for Public Officials and Employees";

1 (3) Republic Act No. 7080, entitled "An Act Defining and Penalizing the Crime of  
2 Plunder";

3 (4) Presidential Decree No. 46, entitled "Making it Punishable for Public Officials  
4 and Employees to Receive, and for Private Persons to Give, Gifts on Any  
5 Occasion, Including Christmas"; and

6 (5) Title VII, Book Two of the Revised Penal Code on "Crimes Committed by  
7 Public Officers".

8 (c) Council refers to the Whistleblower Benefits and Protection Council created  
9 pursuant to Section 29 of this Act.

10  
11 (d) Informant refers to any person who has personal knowledge or access to data,  
12 events or information, of any act or conduct constituting graft and corruption as  
13 defined under this Act or of any property or wealth unlawfully acquired as defined in  
14 Republic Act No. 1379 by public officer/s and employee/s, and who shall  
15 deliberately disclose of individual, collective or organized conduct constituting graft  
16 and corruption as provided in this Act.

17 (e) Program refers to the "Whistleblower Protection, Security and Benefit Program"  
18 which the Council shall formulate and implement pursuant to this Act.

19 (f) Public officer refers to any persons holding any public office in the Government  
20 of the Republic of the Philippines by virtue of an appointment, election or contract.

21 (g) Whistleblower refers to an informant admitted into the Program of the Council in  
22 accordance with this Act and its rules and regulations.

23 (h) Reprisal refers to any negative or obstructive response or reaction to a  
24 disclosure made under this Act aimed at, pertaining to, or against a whistleblower or  
25 any of the members of the family and relatives up to the second degree of  
26 consanguinity or affinity.

27 (i) Reprisal in workplace refers to any discriminatory conduct or policies against a  
28 whistleblower which affect promotion or job assignment or receiving of benefits and  
29 bonuses if applicable, including but not limited to the following: i) undue negative  
30 performance appraisal; ii) unusual and unwarranted close monitoring by supervisors;  
31 iii) unwarranted criticisms or avoidance by co-employees; iv) withholding  
32 responsibilities and assignments; v) blacklisting from other job opportunities or  
33 prejudicial transfers by reason of a disclosure made under this Act.

34 **SECTION 4. Coverage.** - This conduct constituting graft and corruption covered under  
35 this Act, whether commenced or consummated before the effectivity of this Act, refers  
36 to any conduct, act or omission of public officers and/or employees which are covered  
37 by, or amount to violations of Republic Act No. 3019; Sections 7, 8 and 9 of Republic  
38 Act No.6713; Republic Act No. 7080; Presidential Decree No. 46; and Title VII, Book  
39 Two of the Revised Penal Code on "Crimes Committed by Public Officers".

1 This Act also covers property or wealth unlawfully acquired as defined in Republic Act  
2 No. 1379.

3 **SECTION 5. *Admission to the Program.*** - Whistleblowers admitted into the Program  
4 shall be entitled to the protection and benefits under this Act: *Provided, That* all the  
5 following requisites concur:

6 (a) The disclosure is voluntary, in writing and under oath;

7 (b) The disclosure relates to conduct constituting graft and corruption under this Act or  
8 any property or wealth unlawfully acquired as defined in Republic Act No. 1379 which  
9 might relate to any criminal activities punished under applicable laws and rules and  
10 regulations;

11 (c) Such disclosure is necessary for an effective and successful investigation or  
12 prosecution, or essential for the acquisition of material evidence not yet in the  
13 possession of the Council;

14 (d) The information given by the whistleblower can be corroborated; and

15 (e) The information disclosed will lead to a successful gathering of evidence and/or  
16 conduct of investigation sufficient to sustain a finding of probable cause for the filing of a  
17 criminal complaint or information before a court of competent jurisdiction.

18 **SECTION 6. *Necessity of Testimony.*** - The testimony of a whistleblower in court shall  
19 not be necessary for the entitlement to the benefits and protection under this Act,  
20 subject to the provision of Section 17 herein. Entitlement of benefits and protection  
21 under this Act will not prevent the whistleblower from receiving or availing the benefits  
22 under Republic Act No.6981, otherwise known as the "Witness Protection, Security and  
23 Benefit Act" pursuant to its provisions.

24 **SECTION 7. *Memorandum of Agreement With the Whistleblower.***- As a prerequisite to  
25 the availment of the protection and benefits under this Act, a whistleblower shall enter  
26 into a Memorandum of Agreement with the Department of Justice (DOJ) which shall set  
27 for the whistle blower's responsibilities including the following:

28 (a) To provide information to and testify before all inquiries, in aid of legislation, and  
29 before any law enforcement official concerning any appropriate proceeding in connection  
30 with or arising from the activities involved in the offense subject matter thereof;

31 (b) To avoid a commission of a crime involving moral turpitude;

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

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

36 (e) To regularly inform the appropriate program official of the whistleblower's current  
37 activities and address.

38 **SECTION 8. *Breach of the Memorandum Agreement.*** - Substantial breach of the  
39 Memorandum of Agreement shall be a ground for the immediate termination of the  
40 protection and benefits provided under this Act. The Council shall send notice to a



1 whistleblower concerned, stating therein the reason measures for such termination. In  
2 view thereof, a whistleblower shall be afforded reasonable time to take appropriate and  
3 necessary protection and security measures.

4 In addition, the whistleblower shall return all the financial rewards received pursuant to  
5 Section 17 of this Act.

6 **SECTION 9. *Protection Against Other Actions.*** – A whistleblower or an informant who  
7 has made a disclosure under this Act shall not be subject to any liability in any  
8 proceeding.

9 Any disclosure made or any document submitted to the Council shall be in admissible in  
10 evidence against the whistleblower. This protection shall also operate as immunity in  
11 favor of a whistleblower or informant against any action or proceeding taken against the  
12 whistle blower by any person subject of a disclosure, by reason thereof and acts in  
13 relation to subject of disclosure. *Provided*, however, that the protection against any  
14 action or proceeding shall not be available in cases of deliberate and voluntary giving of  
15 false or misleading information, and of any unjustified recantation of testimony by a  
16 whistleblower.

17 **SECTION 10. *Defense of Privileged Communication.*** - A whistleblower or any person  
18 who has made a disclosure under this Act shall have, as defense in any other inquiry or  
19 proceeding, the absolute privilege with respect to the subject matter of the disclosure or  
20 information given to the proper authorities.

21 **SECTION 11. *Confidentiality.*** - Except as allowed by this Act, during and after a  
22 disclosure, and throughout and after any proceeding taken thereafter, a whistleblower  
23 or an informant is entitled to absolute confidentiality about:

- 24 (a) His/Her identity;
- 25 (b) The subject matter of the disclosure; and
- 26 (c) The person to whom such disclosure was made.

27 There shall be no such confidentiality of identity if a whistleblower or an informant  
28 makes a public disclosure of a conduct constituting graft and corruption unless,  
29 notwithstanding such public disclosure, the whistleblower has taken means and  
30 measures obviously intended to preserve anonymity.

31 **SECTION 12. *No Breach of Duty of Confidentiality.***- A whistleblower or an informant  
32 who has made a disclosure under this Act, on whom a provision of law, regulation,  
33 issuance, practice or other convention, imposes a duty to maintain confidentiality with  
34 respect to any information disclosed, is considered not to have committed a breach  
35 thereof.

36 **SECTION 13. *Confidential Information*** - No person to whom disclosure has been  
37 made or referred shall divulge any information that may identify or tend to identify a

whistleblower or informant or reveal the subject matter of such disclosure, except under the following circumstances:

(a) The whistleblower or the informant consents in writing prior to a disclosure of information;

(b) The disclosure is indispensable and essential as determined by the Council, having regard to the necessary proceedings to be taken after the disclosure; or

(c) The disclosure or referral is made pursuant to an obligation under this Act.

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

**SECTION 14 .Protection Against Disciplinary Action or Reprisals.** - A whistleblower who has made or is believed or suspected to have made a disclosure under this Act is not liable to disciplinary action for making said disclosure.

Prohibited acts under this section include reprisals in the work place as defined in Section 3 of this Act or prejudicial conduct towards a whistleblower such as but not limited to the following: a) discriminatory actions behind policies and procedures, b) unwarranted reprimand; c) punitive transfers; d) malicious referral to a psychiatrist or counselor; and e) unfounded or baseless poor performance reviews. Other prejudicial actions include obstruction of an investigation, withdrawal of essential resources, undue reports and the attachment of false personnel files or notes.

**SECTION 15. Security and Protection of a Whistleblower** - When determined to be necessary and appropriate by the Council, a whistleblower, even if the disclosure is made in confidence, shall be entitled to personal security. For this purpose, the Council may request any law enforcement agency for assistance. Should at any time, the identity of the whistleblower be revealed, or anonymity compromised, the whistleblower may, upon the recommendation of the Council, be entitled to the benefits of Republic Act No.6981, in addition to the other benefits under this Act.

**SECTION 16. Confidentiality of the Proceedings.** – All proceedings before the Council involving application and/or enjoyment of the benefits under this Act, including any action taken thereon, shall be confidential in nature. No information or documents given or submitted in support thereof shall be released except upon written order of the Council, and provided such disclosure shall not endanger the life of a whistleblower.

**SECTION 17. Financial Rewards for Whistleblowers.** - The whistleblower shall be entitled to a corresponding monetary reward in accordance with the following stages:

Stages	If the case is of pecuniary estimation	If the case is not capable of pecuniary estimation
Upon admission into the program	Php200,000.00	Php100,000.00
Upon filing of the case with the Office of the	Php100,000.00	Php50,000.00

Ombudsman or Department of Justice, as applicable		
Upon completion of the testimony of the whistleblower	Php100,000.00	Php50,000.00

For cases capable of pecuniary estimation, such as plunder, forfeiture of ill-gotten wealth, bribery, malversation and damage or injury to government, violation of the provisions of the National Internal Revenue Code, the whistleblower shall be entitled to an additional reward of ten percent (10%) of the actual amount recovered by final judgment.

**SECTION 18. *Return of the Amount Received as Financial Rewards.*** - A whistleblower admitted into the Program who deliberately and voluntarily gives false or misleading information in connection with conduct constituting graft and corruption as defined under this Act or any property or wealth unlawfully acquired as defined in Republic Act No. 1379 or who unjustifiably recants testimony shall, in addition to the penalties provided in Section 21 and Section 22 of this Act, be required to return all the amounts received as financial rewards.

**SECTION 19. *Mandatory Posting of Abstract.*** - All government agencies, offices, bureaus and local government units (LGUs), including government-owned or-controlled corporations, whether or not with original charters, shall conspicuously display an abstract of this Act and the rights and protections of whistleblowers or informants. Such abstract shall be provided in the rules and regulations to be promulgated pursuant to Section 31 of this Act.

All government agencies, offices, bureaus and LGUs, including government-owned and-controlled corporations, whether or not with original charters, are likewise required to put in place internal procedures for dealing with whistleblowers or informants, consistent with the provisions of this Act and the rules and regulations. Said internal procedure shall be widely disseminated to all the public employees.

**SECTION 20. *Credibility of a Whistleblower.*** - In all cases, the fact of the entitlement of the whistleblower to the protection and benefits provided in this Act shall not be admissible in evidence to diminish or affect the whistleblower's credibility.

**SECTION 21. *Penalty for Giving False and Misleading Information.*** - The penalty of imprisonment of not less than six (6) years but not more than twelve (12) years and a fine of not more than One Hundred Thousand Pesos (Php100,000.00) shall be imposed upon a whistleblower who deliberately and voluntarily gives false or misleading information in connection with conduct constituting graft and corruption under this Act. If the offender is a public officer or employee, the penalty of dismissal from the service and the accessory penalty of perpetual absolute disqualification from holding public office shall also be imposed. In addition, the offender may be held criminally and civilly liable under existing laws.



1 **SECTION 22. *Penalty for Unjustified Recantation.*** -The unjustified recantation of  
2 testimony by a whistleblower shall constitute an offense and shall be punishable by a  
3 penalty of imprisonment of not less than four (4) years but not more than six (6) years.

4 **SECTION 23. *Penalty for Reprisal Against Whistleblower.*** – The penalty of  
5 imprisonment of not less than six (6) years but not more than twelve (12) years or a fine  
6 of not more than One Hundred Thousand Pesos (Php100,000.00), or both, at the  
7 discretion of the court shall be imposed upon any person who shall commit any act of  
8 reprisal as defined in this Act against a whistleblower and/or hinders, delays, prevents  
9 or dissuades said whistleblower from:

- 10 (a) Attending, assisting or testifying before any investigating agency or judicial or  
11 quasi-judicial body;  
12 (b) Reporting to a law enforcement officer or judge the commission or possible  
13 commission of an offense, or a violation of conditions of probation, parole, or  
14 release pending judicial proceedings;  
15 (c) Seeking the arrest of another person in connection with the offense;  
16 (d) Causing a criminal prosecution, or any proceeding, for the revocation of a parole  
17 or probation; and  
18 (e) Performing and enjoying the rights and benefits under this Act or attempt to do  
19 so.

20 In addition, the penalty of dismissal from the service and the accessory penalty of  
21 perpetual absolute disqualification from holding public office shall be imposed upon an  
22 offender who is a public officer or employee.

23 **SECTION 24. *Penalty for Violation of Confidentiality*** .- The penalty of imprisonment of  
24 not less than six (6) months but not more than six (6) years shall be imposed upon any  
25 person who shall violate the protection of confidentiality of a protected disclosure under  
26 Sections 10, 11, 13 and 16 of this Act. The penalty of dismissal from the service and the  
27 accessory penalty of temporary absolute disqualification from holding public office shall  
28 also be imposed upon an offender who is a public officer or employee. In addition, the  
29 offender shall be civilly liable to indemnify the whistleblower or informant in such amount  
30 of damages as may be awarded and deemed reasonable by a competent court.

31 **SECTION 25. *Penalty for Reprisal in the Workplace.***- The penalty of imprisonment of  
32 not more than six (6) years but not more than twelve (12) years shall be imposed upon  
33 any person who shall commit any act of reprisal in the work place as defined in this  
34 Act, against a whistleblower or believed or suspected to be one. The penalty of  
35 dismissal from the service and the accessory penalty of temporary absolute  
36 disqualification from holding public office shall also be imposed upon an offender who  
37 is a public officer or employee. In addition, the offender shall be civilly liable to  
38 indemnify the whistleblower in such amount of damages as may be awarded and  
39 deemed reasonable by a competent court. Towards this end, an aggrieved  
40 whistleblower shall be entitled to the provisional remedy of injunction against any

1   reprisal in the workplace, prejudicial conduct, or discriminatory treatment by reason of  
2   whistleblowers disclosure.

3   The proceedings herein shall be independent of any action that an aggrieved person  
4   may take before the Civil Service Commission or the DOLE for unfair or discriminatory  
5   practices, back wages, or other labor disputes or before other quasi-judicial agencies  
6   that may or may not have arisen from a disclosure or believed or suspected disclosure.

7   **SECTION 26. *Penalty for Discriminatory Hiring.*** - The penalty of imprisonment of not  
8   more than six (6) months shall be imposed upon any person who shall deny a qualified  
9   applicant for employment, or who shall reject an application for employment solely on  
10   the ground that an applicant is a whistleblower or informant for the State. If the offender  
11   is a corporation, partnership, association, or any juridical person, the penalty shall be  
12   imposed upon the president, partner, manager and/or any responsible officer who  
13   participated in the commission of the offense.

14   The penalty of dismissal from the service and the accessory penalty of suspension of  
15   the right to hold public office shall also be imposed upon the offender who is a public  
16   officer or employee.

17   In addition, the offender shall be civilly liable to indemnify the whistleblower in such  
18   amount of damages as may be awarded and deemed reasonable by a competent court.

19   **SECTION 27. *Failure to Post Abstract.*** - The failure to post an abstract required under  
20   Section 19 of this Act shall constitute an offense and shall be punishable with a fine of  
21   One Hundred Thousand Pesos (Php100,000.00) for the first offense. The amount shall  
22   be doubled for every succeeding offense, and punishable with imprisonment of not  
23   more than six (6) months at the discretion of the court. For this purpose, the president,  
24   general manager, or head of agency office or bureau shall be held criminally liable and  
25   shall suffer the accessory penalty of suspension of the right to hold public office.

26   **SECTION 28. *Failure to Report to the Council.*** - Any person under obligation to  
27   report a disclosure under this Act to the Council, who fails to do so within a period of  
28   two (2) months, or who fails to act thereon or cause an investigation thereof, shall be  
29   held liable and shall suffer the penalty of not more than one (1) month imprisonment or  
30   a fine of not more than Fifty Thousand Pesos (Php50,000.00) at the discretion of the  
31   court.

32   **SECTION 29. *Whistleblower Benefits and Protection Council.*** - A Whistleblower  
33   Benefits and Protection Council is hereby created composed of the Overall  
34   Deputy Ombudsman as Chairperson, and the following as members:

- 35       (a) Prosecutor General, DOJ;
- 36       (b) Special Prosecutor, Ombudsman;
- 37       (c) Witness Protection Program Director, DOJ;
- 38       (d) Executive Director, Anti-Money Laundering Council;

- (e) Director, Legal Service, Philippine National Police, in case the respondent is a member thereof;
- (f) The Judge Advocate General of the Armed Forces of the Philippines, in case the respondent is a member thereof;
- (g) A representative from the civil society/nongovernment organization involved in anti-corruption and good governance to be appointed by the Chairperson of the Council upon the recommendation of the members thereof and
- (h) A representative from the business sector to be appointed by the Chairperson of the Council, upon the recommendation of the Philippine Chamber of Commerce and Industry. The existing personnel of the Office of the Ombudsman shall serve as secretariat to the Council.

**SECTION 30. Powers and Functions of the Council.**- In addition to its powers and functions under existing laws, the Council shall have the following powers and functions:

- (a) Monitor, coordinate and evaluate all efforts relative to the implementation and enforcement of the provisions of this Act;
- (b) Evaluate the disclosure and qualification of whistleblowers or informants for coverage within this Act, and make the appropriate decision on their entitlement to the benefits extended herein;
- (c) Undertake, in coordination and cooperation with the private and public sectors, an information campaign to educate the public on the provisions and benefits of this Act;
- (d) Develop plans and implement programs to further encourage whistleblowers or informants on graft and corrupt activities with a view to effective deterrence and/or prosecution;
- (e) Control and administer consistent with the provisions and purposes of this Act, the protection and benefits of whistleblowers in connection with the cases within the coverage of Section 4 of this Act;
- (f) Call upon or deputize any department bureau office or any other government agency or public official to assist in the effective implementation and enforcement of this Act; and
- (g) Grant immunity in accordance with the provisions of this Act and its implementing rules and regulations.

**SECTION 31. Appropriations.** - The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

**SECTION 32. Implementing Rules and Regulations.** - The Council shall promulgate such rules and regulations as may be necessary to implement the intent and purposes of this Act. Said rules and regulations shall be published in two (2) newspapers of general circulation.

**SECTION 33. Separability Clause.**- If any portion or provision of this Act or the application thereof shall be declared invalid or unconstitutional, the validity of other parts or provisions not affected thereby shall continue to be in full force and effect.

- 1 **SECTION 34. *Repealing Clause.*** –All laws, decrees, executive issuances, rules and  
2 regulations inconsistent with this Act-are hereby repealed or modified accordingly.
- 3 **SECTION 35. *Effectivity Clause.*** –This Act shall take effect fifteen (15) days following  
4 its complete publication in two (2) newspapers of general circulation.
- 5 *Approved,*