

[REPUBLIC ACT NO. 6981, April 24, 1991]

AN ACT PROVIDING FOR A WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM AND FOR OTHER PURPOSES

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

SECTION 1. *Name of Act.* - This Act shall be known as the "Witness Protection, Security and Benefit Act".

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.

SEC. 3. *Admission into 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 any judicial or quasi-judicial body, or before any investigating authority, may be admitted into the Program: *Provided, That:*

- a. the offense in which his testimony will be used is a grave felony as defined under the Revised Penal Code, or its equivalent under special laws;
- b. his testimony can be substantially corroborated in its material points;
- c. he or any member of his family within the second civil degree of consanguinity or affinity is subjected to threats to his life or bodily injury or there is a likelihood that he will be killed, forced, intimidated, harassed or corrupted to prevent him from testifying, or to testify falsely or evasively, because or on account of his testimony; and
- d. he is not a law enforcement officer, even if he would be testifying against other law enforcement officers. In such a case, only the immediate members of his family may avail themselves of the protection provided for under this Act. If the Department, after examination of said applicant and other relevant facts, is convinced that the requirements of this Act and its implementing rules and regulations have been complied with, it shall admit said applicant to the Program, require said witness to execute a sworn statement detailing his knowledge or information on the commission of the crime, and thereafter issue the proper certification. For purposes of this Act, any such person admitted to the Program shall be known as the Witness.

SEC. 4. *Witness in Legislative Investigations.* - In case of legislative investigations in aid of legislation, a witness, with his express consent, maybe admitted into the Program upon the recommendation of the legislative committee where his testimony is needed when in its judgment there is pressing necessity therefor: Provided, That such recommendation is approved by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

SEC. 5. *Memorandum of Agreement With the Person to be Protected* - Before a person is provided protection under this Act, he shall first execute a memorandum of agreement which shall set forth his responsibilities including:

- a. to testify before and provide information to all appropriate law enforcement officials concerning all appropriate proceedings in connection with or arising from the activities involved in the offense charged;
- b. to avoid the commission of a crime;
- c. to take all necessary precautions to avoid detection by others of the facts concerning the protection provided him under this Act;
- d. to comply with legal obligations and civil judgments against him;
- e. to cooperate with respect to all reasonable requests of officers and employees of the Government who are providing protection under this Act; and
- f. to regularly inform the appropriate program official of his current activities and address.

SEC. 6. *Breach of the Memorandum of Agreement.* - Substantial breach of the memorandum of agreement shall be a ground for the termination of the protection provided under this Act: *Provided, however,* That before terminating such protection, the Secretary of Justice shall send notice to the person involved of the termination of the protection provided under this Act, stating therein the reason for such termination.

SEC. 7. *Confidentiality of Proceedings.* - All proceedings involving application for admission into the Program and the 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 Department or the proper court.

Any person who violates the confidentiality of said proceedings shall upon conviction be punished with imprisonment of not less than one (1) year but not more than six (6) years and deprivation of the right to hold a public office or employment for a period of five (5) years.

SEC. 8. *Rights and Benefits.* - The Witness shall have the following rights and benefits:

- a. To have a secure housing facility until he has testified or until the threat, intimidation or harassment disappears or is reduced to a manageable or tolerable level. When the circumstances warrant, the Witness shall be entitled to relocation and/or change of personal identity at the expense of the Program. This right may be extended to any member of the family of the Witness within the second civil degree of consanguinity or affinity.
- b. The Department shall, whenever practicable, assist the Witness in obtaining a means of livelihood. The Witness relocated pursuant to this Act shall be entitled to a financial assistance from the Program for his support and that of

his family in such amount and for such duration as the Department shall determine.

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

Any Witness who failed to report for work because of witness duty shall be paid his equivalent salaries or wages corresponding to the number of days of absence occasioned by the Program. For purposes of this Act, any fraction of a day shall constitute a full day salary or wage. This provision shall be applicable to both government and private employees.

- d. To be provided with reasonable travelling expenses and subsistence allowance by the Program in such amount as the Department may determine for his attendance in the court, body or authority where his testimony is required, as well as conferences and interviews with prosecutors or investigating officers.
- e. To be provided with free medical treatment, hospitalization and medicines for any injury or illness incurred or suffered by him because of witness duty in any private or public hospital, clinic, or at any such institution at the expense of the Program.
- f. If a Witness is killed, because of his participation in the Program, his heirs shall be entitled to a burial benefit of not less than Ten thousand pesos (P10,000.00) from the Program exclusive of any other similar benefits he may be entitled to under other existing laws.
- g. In case of death or permanent incapacity, his minor or dependent children shall be entitled to free education, from primary to college level in any state, or private school, college or university as may be determined by the Department, as long as they shall have qualified thereto.

SEC. 9. *Speedy Hearing or Trial*. -In any case where a Witness admitted into the Program shall testify, the judicial or quasi-judicial body, or investigating authority shall assure a speedy hearing or trial and shall endeavor to finish said proceeding within three (3) months from the filing of the case.

SEC. 10. *State Witness*. - Any person who has participated in the commission of a crime and desires to be a witness for the State, can apply and, if qualified as determined in this Act and by the Department, shall be admitted into the Program whenever the following circumstances are present:

- a. the offense in which his testimony will be used is a grave felony as defined under the Revised Penal Code or its equivalent under special laws;
- b. there is absolute necessity for his testimony;
- c. there is no other direct evidence available for the proper prosecution of the offense committed;
- d. his testimony can be substantially corroborated on its material points;