

[DOJ, August 12, 1991]

**IMPLEMENTING RULES AND REGULATIONS OF THE WITNESS
PROTECTION, SECURITY AND BENEFIT ACT (R.A. NO. 6981)**

Pursuant to Section 18 of Republic Act No. 6981, the following rules and regulations are hereby promulgated to implement the provision of said Act:

Title I
Definition of Terms

SECTION 1. Definition of Terms — As used in these rules and regulations, unless specifically provided otherwise, the following terms shall be understood to mean:

- a. **Act** shall refer to R.A. No. 6981, otherwise known as the "Witness Protection, Security and Benefit Act."
- b. **Department** shall refer to the Department of Justice.
- c. **Secretary** shall refer to the Secretary of Justice.
- d. **Program** shall refer to the "Witness Protection, Security and Benefit Program" which the Department shall formulate and implement pursuant to the provisions of Section 2 of the Act.
- e. **Witness** shall refer to any person who has witnessed or has knowledge of or information on the commission of a grave felony or its equivalent under special laws and has testified or is testifying before any judicial, quasi-judicial or legislative body or any investigating authority and admitted into the Program.
- f. **State Witness** shall refer to:
 - 1. Any person who has participated in the commission of a crime and desires to be a Witness for the state, 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 in its material points;

e) he does not appear to be the most guilty; and,

f) he has not at any time been convicted of any crime involving moral turpitude.

2. Any person who has been accused of a crime but has been discharged from an information or criminal complaint pursuant to the provisions of Sections 9 & 10, Rule 119 of the 1985 Rules on Criminal Procedure, as amended.

g. "MEMORANDUM OF AGREEMENT" shall refer to the document executed by any person seeking protection under the Act, setting forth his responsibilities, including:

1. 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;

2. to avoid the commission of a crime;

3. to take all necessary precautions to avoid detection by others of the facts concerning the protection provided him under the Act;

4. to comply with legal obligations and civil judgments against him;

5. to cooperate with respect to all reasonable requests of officers and employees of the Government who are providing protection under the Act; and

6. to regularly inform the appropriate Program official of his current activities and address.

h. "SWORN STATEMENT" shall refer to the statement executed by any person seeking admission into the Program detailing his knowledge of or information on the commission of the crime or that executed by a State Witness describing in detail the manner in which the offense was committed and his participation therein.

Title II **The Committee**

SECTION 1. A. Composition of the Committee - To assist the Department in the implementation of the provisions of the Act, there shall be created a Committee the members of whom shall be designated by the Secretary, composed of the following:

Undersecretary for
the
National
Prosecution Service
(NPS)

- Chairman and Executive Officer

Chief State
Prosecutor
3 Assistant
Chief State
Prosecutors

- Vice-Chairman

- Members

B. *Function* - The Committee shall have the following functions:

- a. Recommend necessary measures for the formulation, administration, control, supervision and effective implementation of the Program;
- b. Examine applicants, sworns statements relevant facts, determine compliance with the requirements of the Act and these implementing rules and regulations and recommend to the Secretary admission to the Program;
- c. Recommend to the Secretary the termination of the enjoyment of the rights and benefits accorded the Witness in case of a substantial breach of the Memorandum of Agreement;
- d. Coordinate the functions and activities of the other government agencies involved in the implementation of the Program; and
- e. Perform such other functions and duties as maybe provided by law or as the Secretary may from time to time deem necessary to effectively implement policies and to carry out the objectives of the Program.

Title III

Persons Entitled to the Program

SECTION 1. Who May Avail of the Program – (a) Any person who has witnessed or has knowledge of 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, provided, that:

1. 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;
 2. his testimony can be substantially corroborated in its material points;
 3. 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
 4. 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 the Act.
- b. In case of legislative investigations in aid of legislation, a Witness, with his express consent, 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;