
**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 – Vice-Chairman
Three (3) Assistant Chief State Prosecutors – Members

B. Functions: 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, sworn 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;
- c) 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:
- 1) the offense in which testimony will be used is a grave felony as defined under the Revised Penal Code or its equivalent under special laws;
 - 2) there is absolute necessity for his testimony;
 - 3) there is no other direct evidence available for the proper prosecution of the offense committed;
 - 4) his testimony can be substantially corroborated in its material points;
 - 5) he does not appear to be the most guilty; and

- 6) he has not at any time been convicted of any crime involving moral turpitude.
- d) An accused discharged from an information or criminal complaint by the Court in order that he may be a State Witness pursuant to the provisions of Sections 9 & 10 of Rule 119 of the 1985 Rules on Criminal Procedure, as amended, and who is qualified under the Act.

TITLE IV

Evaluation, Examination and Admission into the Program

SECTION 1. Application. — Any person desiring admission into the Program shall fill up and file an application form provided for the purpose by the Department.

SECTION 2. Evaluation and Examination. —

- a) After receipt of the application, the same shall be docketed and thereafter transmitted to the Chairman of the Committee for assignment.
- b) The member to whom the application has been assigned for evaluation shall examine the applicant and other relevant facts to determine compliance with the Act and these implementing rules and regulations.
- c) If after examination of the applicant and other relevant facts and verification of the authenticity of the evidence/documents submitted, the member is convinced that the requirements of the Act and these rules and regulations have been complied with, he shall submit his recommendation to the Committee.
- d) The Committee shall thereafter recommend to the Secretary the applicant's admission into the Program.
- e) Before his admission into the Program, the Witness shall execute a sworn statement describing in detail his

knowledge or information, on the commission of the crime, after which a certification that the witness has been admitted into the Program shall be issued.

- f) After the issuance of the certificate of admission into the Program and before the witness shall be provided protection under the Act, the witness shall execute a Memorandum of Agreement which shall set 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.
- g) In case of legislative investigations in aid of legislation, a Witness, with his express consent, may be 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 of the Speaker of the House of Representatives, as the case may be.

SECTION 3. 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 Secretary of Justice or the proper court.

TITLE V

Rights and Benefits of Persons Admitted Into the Program

SECTION 1. The Witness at his option shall have all or any of 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.
- b) 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.
- c) The Department shall, whenever practicable, assist the Witness in obtaining means of livelihood. The Witness relocated pursuant to this Act shall be entitled to 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.
- d) 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 investigation 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 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.

- e) 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.
- f) 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.
- g) 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 institutions at the expense of the Program.
- h) 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 existing laws.
- i) 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 qualified thereto.

TITLE VI
Violation and Penalties

SECTION 1.

- a) Any person who violates the confidentiality of the proceedings involving admission of a witness into the Program and the action taken thereon 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 the period of five (5) years.
- b) Any Witness admitted into the Program who fails or refuses to testify or to continue to testify without just cause when lawfully obliged to do so, shall be prosecuted for contempt. If he testifies falsely or evasively, he shall be liable to prosecution for perjury. If a State Witness falls or refuses to testify, or testifies falsely or evasively, or violates any condition accompanying such immunity without just cause, as determined in a hearing by the proper court, his immunity shall be removed and he shall be subject to contempt or criminal prosecution. Moreover, the enjoyment of all rights and benefits under the Act shall be deemed terminated.
- c) No Witness shall be exempt from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion pursuant to the Act. The penalty next higher in degree shall be imposed in case of conviction for perjury. The procedure prescribed under Rule 71 of the Rules of Court shall be followed in contempt proceedings but the penalty imposed shall not be less than one (1) month but not more than one (1) year imprisonment.
- d) Any person who harasses a Witness and thereby hinders, delays prevents or dissuades a Witness from:

- 1) attending or testifying before any judicial or quasi-judicial body or investigating authority;
- 2) reporting to a law enforcement officer or judge the commission or possible commission of an offense, or a violation of conditions or probation, parole, release pending judicial proceedings;
- 3) seeking the arrest of another person in connection with the offense;
- 4) causing a criminal prosecution, or a proceeding for the revocation of a parole or probation; or
- 5) performing and enjoying the rights and benefits under this Act or attempts to do so, shall be fined not more than Three thousand pesos (P3,000.00) or suffer imprisonment of not less than six (6) months but not more than one (1) year, or both. He shall, also suffer perpetual disqualification from holding public office in case of a public officer.

TITLE VII **Effectivity**

These rules and regulations shall become effective after fifteen (15) days following their publication in two (2) newspapers of general circulation.

(SGD.)
FRANKLIN M. DRILON
Secretary