

owing may also avail of the Witness Protection Program under R.A. No. 6981:

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 is about to testify before any judicial or quasi-judicial body, or before any investigating authority, Provided, that:

- i. 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;
- ii. his testimony can be substantially corroborated on its material points;
- iii. 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 of or on account of his testimony; and
- iv. 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) 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:

- i. 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;
- ii. there is absolute necessity for his testimony;
- iii. there is no other direct evidence available for the proper prosecution of the offense committed;
- iv. his testimony can be substantially corroborated on its material points;
- v. he does not appear to be the most guilty; and
- vi. he has not at any time been convicted of any crime involving moral turpitude.

SEC. 10. Motions for postponement of accused. - Motions for postponement that are initiated by the accused should be vigorously opposed by the Trial Prosecutor and he should make of record his objections thereto, leaving to the court's discretion the disposition of the subject motions.*3

SEC. 11. Discontinuance of proceedings. - During the presentation of the prosecution's evidence, the Trial Prosecutor shall not cause or allow the discontinuance of the proceedings except for other similarly compelling reasons not attributable to him.14

SEC. 12. Presentation of evidence. - Each party is bound to complete the presentation of his evidence within the trial dates assigned to him. After the lapse of said dates, the party is deemed to have completed his evidence presentation. However, upon verified motion based on serious reasons, the judge may allow the party additional trial dates in the afternoon; provided that said extension will not go beyond the three-month limit computed from the first trial date. *5

Where a Trial Prosecutor, without good cause, secures postponements of the trial over the objections of a defendant beyond a reasonable period of time, the accused is entitled to relief by a proceeding in mandamus to compel a dismissal of the information, or if he be restrained of his liberty, by habeas corpus to obtain his freedom16.

SEC. 13. Order of trial.- Upon receipt of the notice of trial, the prosecutor shall review the record of the case for trial and complete his preparation therefor

National Prosecution Service Manual

G Thomas



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