

PROVIDING FOR TRAVELLING AND INCIDENTAL EXPENSES OF PRIVATE INDIVIDUALS RELATIVE TO THE PROSECUTION OF CASES WHERE THE GOVERNMENT IS A PARTY LITIGANT

EXECUTIVE ORDER NO. 279, August 14, 2000

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WHEREAS, experience has shown that some of the witnesses involved in government cases are private individuals or are government officials/personnel who have already retired or left the government service during the pendency of such cases or even before the filing of necessary charges against erring officials/employees;

WHEREAS, the issue as to who will shoulder the travelling and other incidental expenses of these private individuals or of retired/resigned witnesses (who, in the meantime, have also become private citizens) relative to the prosecution of the cases comes to the fore;

WHEREAS, there is a need to provide guidelines for the provision of travelling and incidental expenses of these individuals whose testimony in court is material and indispensable.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Coverage. – This Executive Order shall apply to all private individuals including retired government personnel or those who have left the government service for other reasons but whose testimony in court is material and indispensable for the prosecution of cases where the Government is a party litigant.

SEC. 2. Travelling and Incidental Expenses of Private Individuals as Witnesses for the Government. – Necessary travel expenses, including actual and necessary expenses for subsistence may be allowed for witnesses for the Government whose testimony in the courts of justice is considered material and indispensable in the trial of any case, whether administrative, civil or criminal. These shall be charged against the funds of the Ombudsman or of the agency concerned for former agency personnel, or of the Commission on Audit in the case of former COA employees.

A person required by the Ombudsman to provide information shall be paid the same fees and travel allowances as are extended to witnesses whose attendance has been required in the trial courts. (Sec. 32, R.A. No. 6770, The Ombudsman Act of 1989).

In order to assure the appearance of the witness, the public prosecutor or attorney concerned shall previously apply therefor in writing to the court concerned. It having been shown that the testimony of the witness is material, said court shall order the issuance of summons.

SEC. 3. Funding requirements. – For the current year, funds to cover the transportation and incidental expenses referred to in the preceding section shall be sourced from agency savings or, upon request, augmented by the Department of Budget and Management. Thereafter, funding requirements shall be included in the regular appropriation of the agencies concerned.

SEC. 4. Repealing Clause. – All circulars, orders, memoranda, rules, regulations, and issuances or portions

thereof which are inconsistent with this Executive Order are hereby repealed or modified accordingly.

SEC. 5. Effectivity. – This Executive Order shall take effect thirty (30) days following its complete publication in at least two (2) newspapers of general circulation in the Philippines

Done in the City of Manila, this 14th day of August, in the year of Our Lord, two thousand.

(SGD.) JOSEPH EJERCITO ESTRADA

By the President:

(SGD.) RONALDO B. ZAMORA

Executive Secretary

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