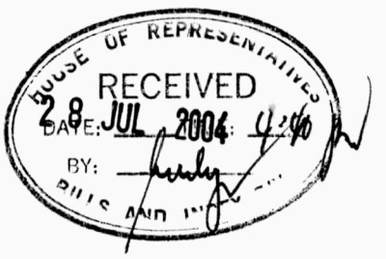
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS

FIRST REGULAR SESSION
House Bill No. ~~1864~~

Introduced by: **REPRESENTATIVES CESAR G. JALOSJOS, CECILIA G. JALOSJOS-CARREON AND ROSELLER L. BARINAGA**

EXPLANATORY NOTE

This bill seeks to create the position of Municipal Prosecutor in every municipality of the country. The municipal prosecutor contemplated herein will handle the prosecution of all criminal actions within the jurisdiction of the Municipal Trial Courts (MTC) and the conduct of preliminary investigation for offenses within the jurisdiction of The Regional Trial Courts (RTC).

Under Section 5, Rule 110 of the Revised Rules of Court, "All criminal actions either commenced by complaint or by information shall be prosecuted under the direction and control of the fiscal (now Provincial Prosecutor). However, in the Municipal Trial Courts or Municipal Circuit Trial Courts when there is no fiscal available, the offended party, any peace officer or public officer charged with the enforcement of the law violated may prosecute the case.

In actual practice, rarely, does the fiscal appear before the Municipal Trial Courts or Municipal Circuit Trial Courts. The reason among others, are the heavy backlog of cases being tried with the Regional Trial Courts, the lack of transportation facilities to the far-flung municipalities and the very limited number of fiscals assigned in the province.

As a consequence, postponement usually occurs and the prosecutions of offenses in the municipalities are left to the offended party by hiring a private prosecutor or with the Chief of Police.

However, it is the collective experience of our citizens that when the Chief of Police is not a member of the Philippine Bar, he is unable to effectively undertake the investigation and prosecution of offenses. Dismissal of the cases are most often due to the haphazard filing of unsubstantiated complaints in court, the lack of supporting physical evidences and ill-prepared testimonies of witnesses not to mention the inability to correctly charge the proper offenses. Being without basic knowledge in criminal procedure, the Chief of Police faces difficulty in the arena of the courtroom when pitted against experienced defense lawyers. These shortcomings result in the outright dismissal of the case to the utter frustration of the complaining citizen.

Moreover, even if the Chief of Police is a member of the Philippine Bar, the present policy and set-up of the Philippine National Police authorizes his transfer or re-assignment anytime, to another province or municipality thus affecting his continued appearance during

trial dates. Furthermore, the maintenance of peace and order being his primary responsibility, his court appearances most often is jeopardized.

Passage of this measure will, therefore (1) unburden the Provincial Prosecutor and his assistants from prevailing heavy workload and allow them to concentrate with the criminal cases before the Regional Trial Courts; (2) guarantee an effective and uninterrupted prosecution of offenses in the Municipal Courts; (4) and secure to the offended party or crime-victims the speedy prosecution of the cases. The creation of the position of municipal prosecutor in every municipality will answer the aforementioned concerns and contribute immensely to the improvement of the criminal justice system.

In view of the foregoing, the passage of this bill is earnestly sought.

REP. CESAR G. JALOSJOS
3RD District-ZDN

REP. CECILIA G. JALOSJOS-CARREON
1ST District-ZDN

REP. ROSELLER L. BARINAGA
2ND District- ZDN

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

FIRST REGULAR SESSION
House Bill No. 1864

Introduced by: **REPRESENTATIVES CESAR G. JALOSJOS, CECILIA G. JALOSJOS-CARREON AND ROSELLER L. BARINAGA**

AN ACT
CREATING THE POSITION OF MUNICIPAL PROSECUTOR IN EVERY MUNICIPALITY AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1: Declaration of Policy - The state shall guarantee the orderly administration of the criminal justice system and vigorously pursue the speedy disposition of criminal cases in every municipality. The effective and efficient investigation and prosecution of offenses cognizable before the Municipal Trial Courts can only be attained by the creation of a municipal prosecutor in every municipality.

SEC. 2: Mandate – There shall be created, in each and every municipality, the position of Municipal Prosecutor to carry out the policy declared in the preceding section.

The Municipal Prosecutor shall be appointed by the President of the Philippines upon recommendation of the Secretary Justice.

He shall be under the direction, control and supervision of the Provincial Prosecutor of the province where the municipality is located.

SEC. 3: Duties and Functions – To accomplish this mandate, the Municipal Prosecutor shall have the following duties and functions:

(1) Investigate the commission of crimes and violations of municipal ordinances and prosecute offenders of crimes within the jurisdiction of the Municipal Trial Courts;

(2) Conduct preliminary investigation for crimes or offense within the jurisdiction of the Regional Trial Court;

(3) Perform other duties as maybe assigned by the Provincial Prosecutor.

SEC. 4: Qualifications – No person shall be appointed Municipal Prosecutor unless he is a citizen of the Philippines, of good moral character, a member of the Philippine Bar and engaged in the practice of his profession for at least two (2) years.

In the absence of a member of the Philippine Bar, any person who is competent barrister or law graduate from a duly recognized educational institution with proper credentials and/or attestations and with at least three(3) years of para-legal work or apprenticeship from a reputable law firm or office maybe appointed to the position. The Secretary of Justice shall provide for the qualifying guidelines for the implementation of this paragraph.

SEC. 5: Tenure of Office – The Municipal Prosecutor shall serve until reaching the age of retirement with all the benefits and privileges granted by the National Government.

SEC. 6: Compensation – The Municipal Prosecutor shall be entitled to a minimum monthly compensation equivalent to the compensation presently received by the Fourth Assistant Provincial Prosecutor in accordance with the Salary Standardization Law. He shall, likewise, be entitled to the allowances, increases and other form of salary adjustments.

SEC. 7: Rules and Regulations – The Secretary of the Department of Justice shall promulgate the necessary rules and regulations for the implementation of this Act.

SEC. 8: Appropriations – The funds necessary for the immediate implementation of this Act shall be charged against the savings of the budget of the Department of Justice. Thereafter, each sums as may be necessary to carry the provisions of this Act shall be included in the budget of the Department of Justice under the General Appropriations Act.

SEC. 9: Repealing Clause – All laws, decrees, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 10: Effectivity – This Act shall take effect upon approval.

Approved,