

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
Third Regular Session

House Bill No. 5928



Introduced by the HON. SIMEON A. DATUMANONG

EXPLANATORY NOTE

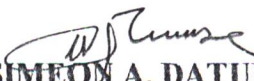
The role of the National Prosecution Service in the Criminal Justice System is two-fold: (1) to investigate allegations that a crime has been committed; and (2) to prosecute all cases involving violations of penal laws. It is a quasi-judicial organization expected to deal with fair execution of laws.

Given the sensitive and delicate nature of their work, prosecutors are expected to serve the public with utmost responsibility, integrity and honesty. Their failure to do so will result in the collapse not just of the entire criminal justice system, but the very foundation upon which our society is based. Democracy will not fully blossom unless the rule of law is put in place.

To ensure the rule of law, it is essential that the Prosecution Service is backed-up by the trust of the people. This bill seeks to do so by strengthening the independence of the National Prosecution Services – free from interference of politicians, high-ranking government officials and businessmen. The independent spirit of the judicial body shall be applied to the Prosecution Service in order to better bring about precise fact-finding investigation and righteousness through fair execution of laws. It is high time that Prosecutors reaffirm their role as humble public servants working for public interest, and erase the public perception that they are strong to the weak and weak to the strong.

The author is confident that this bill will, in the end, strengthen public trust toward the Prosecution Service and, in the process, help advance democracy in the Philippines.

It is for these reasons that approval of this bill is earnestly sought.


SIMEON A. DATUMANONG
Representative
Second District, Maguindanao

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
Third Regular Session

House Bill No. 5928

Introduced by **HON. SIMEON A. DATUMANONG**

AN ACT
CONSTITUTING THE NATIONAL PROSECUTION SERVICE INTO AN
AUTONOMOUS OFFICE OF THE PROSECUTOR GENERAL AND FOR OTHER
PURPOSES.

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

1 SECTION 1. *Title.* – This Act shall be known as the “Prosecution Service Autonomy
2 Act.”
3

4 SEC. 2. *Scope.* – The constituent offices herein covered shall include the prosecution
5 staff and the regional, provincial and city prosecution offices under the Office of the Secretary
6 of Justice, that hitherto compose the national prosecution service.
7

8 SEC. 3. *Constitution and Function of the Office of the Prosecutor General.* – The
9 National Prosecution Service is hereby constituted into an autonomous Office of the
10 Prosecutor General which shall be composed of the Prosecution Staff and the Office of the
11 Regional Prosecutor in each of the administrative regions, the Office of the Provincial
12 Prosecutor in each of the provinces and the Office of the City Prosecutor in each of the cities
13 and shall be attached to the Department of Justice for budgetary purposes. The provisions of
14 any law to the contrary notwithstanding and with the exception of cases within the original
15 jurisdiction of the Sandiganbayan, the Office of the Prosecutor General shall be primarily
16 responsible for the preliminary investigation and prosecution of all complaints involving
17 violations of penal laws. The Office of the Prosecutor General shall also perform such other
18 functions as are now vested in the National Prosecution Service or may hereafter be assigned
19 to said Office by law.
20

21 SEC. 4. *The Prosecutor General.* – The Office of the Prosecutor General shall be
22 headed by the Prosecutor General who shall have supervision and control over the
23 prosecution staff and the offices of the Regional Prosecutor, the offices of the provincial
24 prosecutor and the offices of the city prosecutor and their support staffs. Such power vested in
25 the Prosecutor General includes the authority to act directly on any matter involving national
26 security or probable miscarriage of justice within the jurisdiction of the prosecution staff, the
27 regional prosecutor in each of the administrative regions, the provincial prosecutor in each of
28 the provinces and the city prosecutor in each of the cities, and to review, reverse or modify
29 any resolution or action of any prosecutor of said staff or any regional prosecutor, provincial
30 prosecutor or city prosecutor.
31

32 SEC. 5. *The Prosecution Staff.* – The Prosecutor General shall be assisted by the

1 Prosecution Staff which shall be composed of the following:

- | | | | |
|---|-----------------|---|------------------------------------|
| 2 | | | |
| 3 | (a) Five | - | Deputy Prosecutors General |
| 4 | (b) Forty | - | Associate State Prosecutors |
| 5 | (b) One Hundred | - | Senior Assistant State Prosecutors |
| 6 | (b) Ten | - | Prosecuting Attorneys |
| 7 | | | |

8 The Prosecution Staff shall consist of (1) a Review Division; (2) an Investigation
9 Division; (3) a Prosecution Division; (4) an Administrative Cases Division; and (5) a Records
10 and Planning Division. The Chief of each division shall be a Deputy Prosecutor General.

11
12 The Prosecution Staff, which shall be directly under the control and supervision of the
13 Prosecutor General, shall have the following functions:

14 1. Review resolutions of prosecutors and other prosecution officers, that are appealed
15 to the Prosecutor General;

16 2. Conduct the preliminary investigation and/or prosecution of criminal cases
17 involving national security, those for which task forces have been created, and criminal cases
18 whose venues are transferred to avoid miscarriage of justice, all when so directed by the
19 Prosecutor General in the interest of justice or the public service;

20 3. Act as counsel for the People of the Philippines in any case involving or arising
21 from a criminal complaint investigated by any of its prosecutors and pending before any trial
22 court;

23 4. Investigate administrative charges against prosecutors, other prosecution officers
24 and members of their support staff;

25 5. Prepare legal opinions on queries involving violations of the Revised Penal Code
26 and special penal laws; and

27 6. Monitor all criminal cases filed with the Office of the Prosecutor General; maintain
28 an updated record of the status of each case, and adopt such systems and procedures as will
29 expedite the monitoring and disposition of cases.

30
31 The Deputy Prosecutors General shall act as a Board to screen applicants for
32 appointment or promotion to any prosecutorial position in the Office of the Prosecutor
33 General. The regional prosecutor, provincial prosecutor or city prosecutor shall sit as a
34 member of the Board whenever it considers applicants for positions in his office. The most
35 senior Deputy Prosecutor General shall be the Chairperson of the Board.

36
37 **SEC.6. Office of the Regional Prosecutor.** – There shall be in each administrative
38 region, except the National Capital Region, a regional prosecutor who shall be assisted by a
39 deputy regional prosecutor, one associate regional prosecutor and two senior assistant
40 prosecutors.

41
42 **SEC. 7. Functions of the Regional Prosecutor.** – The Regional Prosecutor shall
43 have the following functions:

44
45 a) Implement policies, plans, programs, memoranda, orders, circulars and rules and
46 regulations of the Office of the Prosecutor General relative to the investigation and
47 prosecution of criminal cases in his region;

48 b) Exercise immediate administrative supervision over all provincial and city
49 prosecutors and other prosecuting officers of the provinces and cities comprised within his
50 region;

51 c) Conduct preliminary investigation, sign criminal information, and/or prosecute
52 criminal cases in his respective region;

53 d) Review, reverse or modify any resolution or action of any provincial or city
54 prosecutor in his region in cases appealable to him as vested by law or by the Secretary of
55 Justice;

1 e) With respect to this regional office' and the offices of the provincial and city
2 prosecutors within his region, he shall:
3

4 1) Appoint such number of subordinate officers and employees as may be
5 necessary, approve transfers of, as well as discipline, subordinate personnel within the
6 jurisdiction of the regional office;

7 2) Investigate administrative complaints against prosecutors and other
8 prosecuting officers within his region and submit his recommendation thereon to the
9 Prosecutor General who shall, after review thereof, submit the appropriate
10 recommendation to the Office of the President: Provided, That where the Prosecutor
11 General finds insufficient grounds for the filing of charges, he may render a decision
12 of dismissal thereof;

13 3) Investigate administrative complaints against subordinate personnel of the
14 region, render decision thereof, and impose penalties, if warranted, which decision
15 may be appealable to the Prosecutor General;

16 4) Approve requests for sick, vacation and maternity leaves of absence with
17 or without pay, for a periods not exceeding one year, for overtime services; for
18 permission to exercise their profession to engage in business outside of office hours;
19 for official travel within the region for periods not exceeding thirty days; and for
20 benefits under Section 699 of the Revised Administrative Code;

21 5) Prepare the budget of the region for approval of the Prosecutor General
22 and administer the same;

23 6) Negotiate and conclude contracts for services or for furnishing supplies,
24 materials and equipment for amounts not exceeding P100,000.00 for each quarter;
25 and

26 7) Coordinate with the regional offices, bureaus and agencies under the
27 department of Justice, other departments, local governments and police units in the
28 region.
29

30 **SEC.8. Office of the Provincial/City Prosecutor.**-There shall be in each province or
31 city a provincial prosecutor or city prosecutor, as the case may be, who shall be assisted by
32 deputy provincial prosecutor or deputy city prosecutor and such number of associate and
33 assistant prosecutors as provided for hereinafter: *Provided, however,* That whenever a new
34 province or city is created, it shall have a provincial prosecutor or city prosecutor, a deputy
35 provincial prosecutor or deputy city prosecutor and such number of assistant prosecutors as
36 there are court branches therein at the ratio of two (2) prosecutors for each branch of regional
37 trial court, one (1) prosecutor for each branch of metropolitan trial court or municipal trial
38 court in cities, and one (1) prosecutor for every two (2) municipal trial court in municipalities
39 or municipal circuit trial court. The assistant prosecutors for the new province or city may be
40 appointed from qualified applicants, or taken from the office of the Provincial Prosecutor or
41 Office of the City Prosecutor of the mother province or city, using as a basis the ration
42 between court branches and prosecutors mentioned above: *Provided, further,* That when all or
43 almost all of the regional trial court branches are seated in the city, the number of prosecutors
44 for the city shall be proportional to the territorial jurisdiction covered by the courts.
45

46 When the exigencies of the service so require, a province or city may create positions
47 for special counsels whose salaries and other emoluments shall come exclusively from local
48 funds.
49

50 **SEC.9 . Powers and Functions of the Provincial or City Prosecutor.** - The
51 provincial prosecutor or the city prosecutor shall: (a) be the law officer of the province or city,
52 as the case may be; (b) investigate and/or cause to be investigated all charges of crimes,
53 misdemeanors and violations of all penal laws and ordinances within his jurisdictions and
54 have the necessary information or complaint prepared or made against the persons accused;
55 (c) have charge of the prosecution of all crimes, misdemeanors and violations of city or

1 municipal ordinances in the courts at the province or city and therein discharge all the duties
2 incident to the institution of criminal actions, subject to the provisions of SECTION 5(2).
3

4 SEC. 10 . *Office of the Provincial Prosecutor*: Number of Prosecutors in each
5 Province. - There shall be in each of the following provinces the corresponding number of
6 provincial prosecutor and his deputies, associates and assistants:
7

8 a) Bulacan: (44)
9

10 One Provincial Prosecutor
11 Two Deputy Provincial Prosecutors
12 Eighteen Associate Provincial Prosecutors
13 Twenty-three Senior Assistant Provincial Prosecutors
14

15 b) Camarines Sur: (42)
16

17 One Provincial Prosecutor
18 Two Deputy Provincial Prosecutors
19 Seventeen Associate Provincial Prosecutors
20 Twenty-two Senior Assistant Provincial Prosecutors
21

22 c) Pangasinan; Rizal (36)
23

24 One Provincial Prosecutor
25 Two Deputy Provincial Prosecutors
26 Fourteen Associate Provincial Prosecutors
27 Nineteen Senior Assistant Provincial Prosecutors
28

29 d) Leyte: (32)
30

31 One Provincial Prosecutor
32 Two Deputy Provincial Prosecutors
33 Twelve Associate Provincial Prosecutors
34 Seventeen Senior Assistant Provincial Prosecutors
35

36 e) Cagayan; Laguna; Cebu (28)
37

38 One Provincial Prosecutor
39 One Deputy Provincial Prosecutor
40 Twelve Senior Assistant Provincial Prosecutors
41 Fourteen Assistant Provincial Prosecutors
42

43 f) Quezon: (27)
44

45 One Provincial Prosecutor
46 One Deputy Provincial Prosecutor
47 Eleven Senior Assistant Provincial Prosecutors
48 Fourteen Assistant Provincial Prosecutors
49

50 g) Batangas (24)
51

52 One Provincial Prosecutor
53 One Deputy Provincial Prosecutor
54 Ten Senior Assistant Provincial Prosecutors
55 Twelve Assistant Provincial Prosecutors

1 h) Nueva Ecija (23)

2
3 One Provincial Prosecutor
4 One Deputy Provincial Prosecutor
5 Nine Senior Assistant Provincial Prosecutors
6 Twelve Assistant Provincial Prosecutors
7

8 i) Isabela; Pampanga; Cavite; Aklan : (22)

9
10 One Provincial Prosecutor
11 One Deputy Provincial Prosecutor
12 Nine Senior Assistant Provincial Prosecutors
13 Eleven Assistant Provincial Prosecutors
14

15 j) Iloilo; Bohol: (21)

16
17 One Provincial Prosecutor
18 One Deputy Provincial Prosecutor
19 Eight Senior Assistant Provincial Prosecutors
20 Eleven Assistant Provincial Prosecutors
21

22 k) Samar: (20)

23
24 One Provincial Prosecutor
25 One Deputy Provincial Prosecutor
26 Eight Senior Assistant Provincial Prosecutors
27 Ten Assistant Provincial Prosecutors
28

29 l) Nothern Samar; Eastern Samar (19)

30
31 One Provincial Prosecutor
32 One Deputy Provincial Prosecutor
33 Seven Senior Assistant Provincial Prosecutors
34 Ten Assistant Provincial Prosecutors
35

36 m) La Union; Misamis Oriental: (18)

37
38 One Provincial Prosecutor
39 One Deputy Provincial Prosecutor
40 Seven Senior Assistant Provincial Prosecutors
41 Nine Assistant Provincial Prosecutors
42

43 n) Ilocos Sur: (17)

44
45 One Provincial Prosecutor
46 One Deputy Provincial Prosecutor
47 Six Senior Assistant Provincial Prosecutors
48 Nine Assistant Provincial Prosecutors
49

50 o) Benguet: (16)

51
52 One Provincial Prosecutor
53 One Deputy Provincial Prosecutor
54 Six Senior Assistant Provincial Prosecutors
55 Eight Assistant Provincial Prosecutors

1 p) Nueva Vizcaya; Camarines Norte; Negros Oriental: (15)

2
3 One Provincial Prosecutor
4 One Deputy Provincial Prosecutor
5 Six Senior Assistant Provincial Prosecutors
6 Seven Assistant Provincial Prosecutors
7

8 q) Ilocos Norte; Antique; North Cotabato; Lanao del Sur: (14)

9
10 One Provincial Prosecutor
11 One Deputy Provincial Prosecutor
12 Six Senior Assistant Provincial Prosecutors
13 Six Assistant Provincial Prosecutors
14

15 r) Zamboanga del Sur: (13)

16
17 One Provincial Prosecutor
18 One Deputy Provincial Prosecutor
19 Five Senior Assistant Provincial Prosecutors
20 Six Assistant Provincial Prosecutors
21

22 s) Abra; Surigao del Sur; Davao Oriental; Sulu: (12)

23
24 One Provincial Prosecutor
25 One Deputy Provincial Prosecutor
26 Five Senior Assistant Provincial Prosecutors
27 Five Assistant Provincial Prosecutors
28

29 t) Mindoro Oriental; Albay; Sorsogon; Masbate; Southern Leyte;
30 Lanao del Norte; Zamboanga Del Norte; Tawi-tawi: (11)

31
32 One Provincial Prosecutor
33 One Deputy Provincial Prosecutor
34 Four Senior Assistant Provincial Prosecutors
35 Five Assistant Provincial Prosecutors
36

37 u) Tarlac; Zambales; Mindoro Occidental; Capiz; Surigao del Norte: (10)

38
39 One Provincial Prosecutor
40 One Deputy Provincial Prosecutor
41 Four Senior Assistant Provincial Prosecutors
42 Four Assistant Provincial Prosecutors
43

44 v) Sultan Kudarat: (9)

45
46 One Provincial Prosecutor
47 One Two Deputy Provincial Prosecutor
48 Three Senior Assistant Provincial Prosecutors
49 Four Assistant Provincial Prosecutors
50

51 w) Ifugao; Quirino; Bataan; Romblon; Palawan;
52 Negros Occidental; Agusan del Norte: (8)

53
54 One Provincial Prosecutor
55 One Deputy Provincial Prosecutor

1 Three Senior Assistant Provincial Prosecutors
2 Three Assistant Provincial Prosecutors

- 3
4 x) Mt. Province; Marinduque; Catanduanes; Biliran:
5 Agusan del Sur; South Cotabato: (7)

6
7 One Provincial Prosecutor
8 One Deputy Provincial Prosecutor
9 Two Senior Assistant Provincial Prosecutors
10 Three Assistant Provincial Prosecutors

- 11
12 y) Aurora; Misamis Occidental; Davao del Sur, Campostela Valley: (6)

13
14 One Provincial Prosecutor
15 One Deputy Provincial Prosecutor
16 Two Senior Assistant Provincial Prosecutors
17 Two Assistant Provincial Prosecutors

- 18
19 z) Zamboanga; Sibugay; Bukidnon: (5)

20
21 One Provincial Prosecutor
22 One Deputy Provincial Prosecutor
23 One Senior Assistant Provincial Prosecutor
24 Two Assistant Provincial Prosecutors

- 25
26 aa) Batanes; Kalinga; Apayao; Camiguin; Sarangani; Basilan: (4)

27
28 One Provincial Prosecutor
29 One Deputy Provincial Prosecutor
30 One Senior Assistant Provincial Prosecutor
31 One Assistant Provincial Prosecutor

- 32
33 bb) Guimaras; Siquijor; Davao del Norte: (3)

34
35 One Provincial Prosecutor
36 One Deputy Provincial Prosecutor
37 One Assistant Provincial Prosecutor

38
39 After the approval of this Act, there shall be in each province one deputy provincial
40 prosecutor for every thirty prosecutors or a fraction thereof.

41
42 **SEC. 11. *Office of the City Prosecutor: Number of Prosecutors in Each City.*** –
43 There shall be in each of the following cities the corresponding number of city prosecutor and
44 his deputies, associates and assistants:

- 45
46 a) Manila: (178)

47
48 One City Prosecutor
49 Five Deputy City Prosecutors
50 Seventy-four Associate City Prosecutors
51 Ninety-eight Senior Assistant City Prosecutors

- 52
53 b) Quezon City: (109)

54
55 One City Prosecutor

Three Deputy City Prosecutors
Forty-six Associate City Prosecutors
Fifty-nine Senior Assistant City Prosecutors

c) Makati: (107)

One City Prosecutor
Three Deputy City Prosecutors
Forty-six Associate City Prosecutors
Fifty-seven Senior Assistant City Prosecutors

d) Cebu: (42)

One City Prosecutor
Two Deputy City Prosecutors
Seventeen Associate City Prosecutors
Twenty-two Senior Assistant City Prosecutors

e) Iloilo: (39)

One City Prosecutor
Two Deputy City Prosecutors
Sixteen Associate City Prosecutors
Twenty Senior Assistant City Prosecutors

f) Pasig: (35)

One City Prosecutor
Two Deputy City Prosecutors
Fourteen Associate City Prosecutors
Eighteen Senior Assistant City Prosecutors

g) Caloocan; Pasay; Davao: (31)

One City Prosecutor
Two Deputy City Prosecutors
Twelve Associate City Prosecutors
Sixteen Senior Assistant City Prosecutors

h) Cagayan De Oro: (29)

One City Prosecutor
Two Deputy City Prosecutors
Eleven Associate City Prosecutors
Fifteen Senior Assistant City Prosecutors

i) Bacolod : (25)

One City Prosecutor
One Deputy City Prosecutor
Ten Associate City Prosecutors
Thirteen Senior Assistant City Prosecutors

- 1 j) Las Piñas: (21)
2
3 One City Prosecutor
4 One Deputy City Prosecutor
5 Eight Associate City Prosecutors
6 Eleven Senior Assistant City Prosecutors
7
8 k) Baguio: (20)
9
10 One City Prosecutor
11 One Deputy City Prosecutor
12 Eight Associate City Prosecutors .
13 Ten Senior Assistant City Prosecutors
14
15 l) Marikina; Parañaque: (18)
16
17 One City Prosecutor
18 One Deputy City Prosecutor
19 Seven Associate City Prosecutors
20 Nine Senior Assistant City Prosecutors
21
22 m) Mandaluyong; Zamboanga: (16)
23
24 One City Prosecutor
25 One Deputy City Prosecutor
26 Six Associate City Prosecutors
27 Eight Senior Assistant City Prosecutors
28
29 n) Muntinlupa; Taguig: (15)
30
31 One City Prosecutor
32 One Deputy City Prosecutor
33 Six Associate City Prosecutors
34 Seven Senior Assistant City Prosecutors
35
36 o) Olongapo: (14)
37
38 One City Prosecutor
39 One Deputy City Prosecutor
40 Six Associate City Prosecutors
41 Six Senior Assistant City Prosecutors
42
43 p) Malabon: (13)
44
45 One City Prosecutor
46 One Deputy City Prosecutor
47 Five Associate City Prosecutors
48 Six Senior Assistant City Prosecutors
49
50 q) Antipolo: (10)
51
52 One City Prosecutor
53 One Deputy City Prosecutor
54 Four Associate City Prosecutors
55 Four Senior Assistant City Prosecutors

- 1 r) Valenzuela: (8)
2 One City Prosecutor
3 One Deputy City Prosecutor
4 Three Associate City Prosecutors
5 Three Senior Assistant City Prosecutors
6
7 s) Cabanatuan; Malolos; San Fernando (Pampanga);
8 Batangas; Naga; Dumaguete: (20)
9
10 One City Prosecutor
11 One Deputy City Prosecutor
12 Eight Senior Assistant City Prosecutors
13 Ten Assistant City Prosecutors
14
15 t) Lucena: (18)
16
17 One City Prosecutor
18 One Deputy City Prosecutor
19 Seven Senior Assistant City Prosecutors
20 Nine Assistant City Prosecutors
21
22 u) Angeles; Legaspi: (17)
23
24 One City Prosecutor
25 One Deputy City Prosecutor
26 Seven Senior Assistant City Prosecutors
27 Eight Assistant City Prosecutors
28
29 v) Roxas: (15)
30
31 One City Prosecutor
32 One Deputy City Prosecutor
33 Six Senior Assistant City Prosecutors
34 Seven Assistant City Prosecutors
35
36 w) Laoag; San Fernando (La Union);
37 Tuguerarao; Tagbilaran; Iligan; Butuan: (14)
38
39 One City Prosecutor
40 One Deputy City Prosecutor
41 Six Senior Assistant City Prosecutors
42 Six Assistant City Prosecutors
43
44 x) Dagupan; Puerto Princesa; General Santos: (13)
45
46 One City Prosecutor
47 One Deputy City Prosecutor
48 Five Senior Assistant City Prosecutors
49 Six Assistant City Prosecutors
50
51 y) Tacloban; Dipolog; Pagadian: (12)
52
53 One City Prosecutor
54 One Deputy City Prosecutor
55 Five Senior Assistant City Prosecutors

- 1 Five Assistant City Prosecutors .
2
3 z) Urdaneta; Calamba; Iriga: (11)
4 One City Prosecutor
5 One Deputy City Prosecutor
6 Four Senior Assistant City Prosecutors
7 Five Assistant City Prosecutors
8
9 aa) Oroquieta: (10)
10
11 One City Prosecutor
12 One Deputy City Prosecutor
13 Four Senior Assistant City Prosecutors
14 Four Assistant City Prosecutors
15
16 bb) Gapan; San Pablo; Tabacco; Ligao;
17 Masbate; Mandaue; Lapu-Lapu; Tagum: (9)
18
19 One City Prosecutor
20 One Deputy City Prosecutor
21 Three Senior Assistant City Prosecutors
22 Four Assistant City Prosecutors
23
24 cc) Santiago; Tarlac; Sorsogon: (8)
25
26 One City Prosecutor
27 One Deputy City Prosecutor
28 Three Senior Assistant City Prosecutors
29 Three Assistant City Prosecutors
30
31 dd) Vigan; Balanga; Cavite; Lipa; Malaybalay; Marawi: (7)
32
33 One City Prosecutor
34 One Deputy City Prosecutor
35 Two Senior Assistant City Prosecutors
36 Three Assistant City Prosecutors
37
38 ee) San Jose; Surigao: (6)
39
40 One City Prosecutor
41 One Deputy City Prosecutor
42 Two Senior Assistant City Prosecutors
43 Two Assistant City Prosecutors
44
45 ff) Cauayan; San Carlos (Pangasinan); Alaminos; San Jose Del Monte; Tanauan;
46 Calapan; San Carlos (Negros Occidental); Silay; Himamaylan; Toledo;
47 Calbayog; Ormoc; Ozamis; Cotobato; Ginoog; Digos; Koronadal;
48 Kidapawan: (5)
49
50 One City Prosecutor
51 One Deputy City Prosecutor
52 One Senior Assistant City Prosecutor
53 Two Assistant City Prosecutors
54
55

gg) Bais: (4)

One City Prosecutor
One Deputy City Prosecutor
One Senior Assistant City Prosecutor
One Assistant City Prosecutor

hh) Candon; Palayan; Muñoz; Sta. Rosa; Tagaytay; Trece Martirez; Passi; Bago; Cadiz; Escalante; Kabankalan; La Carlota; Sagay; Talisay (Negros Occidental); Victorias; Sipalay; Danao; Talisay (Cebu);

Bayawan; Canlaon; Tanjay; Maasin; Dapitan; Isabela; Valencia; Tangub; Panabo; Samal; Bislig; Tacurong: (3)

One City Prosecutor
One Deputy City Prosecutor
One Assistant City Prosecutor

After the approval of this Act, there shall be in each city one deputy city prosecutor for every thirty prosecutors or a fraction thereof.

SEC.12. *Realignment of Position Items.* - Upon the approval of the Act, the Prosecutor General shall transfer vacant excess position items of prosecutors to the cities within the province or to the province of which the cities used to be municipalities or to other cities within the province: *Provided, however,* That if the position items are occupied, they shall be transferred as soon as they become vacant or when the incumbent prosecutors consent to their transfer.

When new cities are created and court branches seats are realigned or redistributed, the Prosecutor General shall correspondingly realign position items of prosecutors to the new cities from the provinces where the cities are located, without prejudice to the provisions of SECTION 11 hereof.

SEC.13. *Automatic Increase of Positions of Prosecutor.* - Whenever new courts or branches thereof are created in a province or city, there shall be in such province or city automatically created positions of associate and assistant prosecutors in such number determined pursuant to the ratio established in SECTION 8 hereof: *Provided, however,* That if the branches of a regional trial court shall be seated at a city outside of Metropolitan Manila, the number of positions shall be distributed between the city and the province where the city is located according to the territorial jurisdiction covered by such branch.

SEC. 14. *Qualifications, Rank and Appointment of the Prosecutor General.* - The Prosecutor General shall have the same qualification, rank, category, salary, emoluments and other privileges, be subject to the same inhibitions and disqualification, and enjoy the same retirement and other benefits as those provided under the existing laws for the Presiding Justice of the Court of Appeals and shall be appointed by the President.

SEC. 15. *Ranks of Prosecutors.* - The prosecutors in the Office of the Prosecutor General shall have the following ranks:

<u>RANK</u>	<u>DESIGNATION</u>
Prosecutor V	1. Deputy Prosecutors General; 2. Regional Prosecutors; and 3. Provincial Prosecutors or City Prosecutors of

1		Provinces or cities with at least thirty
2		prosecutors, and City Prosecutors of highly
3		urbanized cities.
4		
5	Prosecutor IV	1. Deputy Regional Prosecutors;
6		2. Provincial Prosecutors or City Prosecutors of
7		provinces or cities with less than thirty
8		prosecutors; and
9		3. Deputy Provincial Prosecutors or Deputy City
10		Prosecutors of provinces or cities with at least
11		thirty prosecutors, and Deputy City Prosecutors of
12		highly urbanized cities.
13		
14	Prosecutor III	1. Associate State Prosecutors and Associate
15		Regional Prosecutors;
16		2. Deputy Provincial Prosecutors or Deputy City
17		Prosecutors of provinces or cities with less
18		than thirty prosecutors; and
19		3. Associate Provincial Prosecutors or Associate
20		City Prosecutors of a provinces or cities with at
21		least thirty prosecutors, and Associate City
22		Prosecutors of highly urbanized cities.
23		
24	Prosecutor II	1. Senior Assistant State Prosecutors and Senior
25		Assistant Regional Prosecutors;
26		2. Associate Provincial Prosecutors or Associate City
27		Prosecutors of provinces or cities with less than
28		thirty prosecutors; and
29		3. Senior Assistant Provincial Prosecutors or Senior
30		Assistant City Prosecutors of provinces or cities
31		with at least thirty prosecutors, and Senior
32		Assistant City Prosecutor of highly urbanized
33		cities.
34	Prosecutor I	1. Assistant Provincial Prosecutors or Assistant
35		City Prosecutors of provinces or cities with less
36		than thirty prosecutors.
37		

SEC.16. *Qualifications and Appointments of Prosecutors and Other Prosecution Officers.* - Prosecutors with the rank of Prosecutor V shall have the same qualifications, rank, category, salary, emoluments and other privileges, be subject to the same inhibitions and disqualification, and enjoy the same retirement and other benefits as those provided under existing laws for associate justices of the Court of Appeals.

Prosecutors with the rank of Prosecutor IV shall have the same qualifications, rank, category, salary, emoluments and other privileges, be subject to the same inhibitions and disqualification, and enjoy the same retirement and other benefits as those provided under the existing laws for judges of the regional trial court.

Prosecutors with the rank of Prosecutor III shall have the same qualifications, rank, category, salary, emoluments and other privileges, be subject to the same inhibitions and disqualification, and enjoy the same retirement and other benefits as those provided under the existing laws for judges of the metropolitan trial court.

Prosecutors with the rank of Prosecutor II shall have the same qualifications, rank, category, salary, emoluments and other privileges, be subject to the same inhibitions and

1 disqualification, and enjoy the same retirement and other benefits as those provided under the
2 existing laws for judges of the municipal trial court.

3
4 Prosecutors with the rank of Prosecutor I shall have the same qualifications, rank,
5 category, salary, emoluments and other privileges, be subject to the same inhibitions and
6 disqualification, and enjoy the same retirement and other benefits as those provided under
7 existing laws for judges of the municipal circuit trial court and salary one grade lower than
8 that of Prosecutor II.

9
10 All prosecutors shall be appointed by the President upon the recommendation of the
11 Prosecutor General.

12
13 A prosecuting attorney or special counsel shall be a member of the bar in good
14 standing and shall have a salary grade' ranging from Grade 23 to Grade 25. Such prosecution
15 officer shall be appointed by the Prosecutor General; *Provided, however,* That with respect to
16 a special counsel, his appointment shall be upon the recommendation of the provincial
17 governor or city mayor and with the endorsement of the provincial prosecutor or city
18 prosecutor, as the case may be.

19
20 **SEC. 17. Continuation in Office of Prosecutors.** - Upon approval of this Act, the
21 incumbent prosecuting officers, including the prosecuting attorneys, in the present
22 prosecution staff shall continue in office to discharge their functions under this Act, and the
23 position title Chief State Prosecutor and Assistant Chief State Prosecutors are respectively
24 renamed Prosecutor General and Deputy Prosecutors General.

25
26 All prosecutors who have the rank of Prosecutor III and Prosecutor II in the existing
27 prosecution staff shall bear the new titles of associate state prosecutors and senior assistant
28 state prosecutors, respectively, under this Act.

29
30 The office of the regional state prosecutor, provincial or city prosecution office
31 established in each of the administrative regions, provinces and cities pursuant law is retained
32 and renamed Office of the Regional Prosecutor, Office of the Provincial Prosecutor or Office
33 of the City Prosecutor, as the case may be.

34
35 All regional prosecutors, provincial prosecutors and city prosecutors and their
36 assistants shall continue in the office to discharge their functions under this Act.

37
38 All assistant prosecutors who have the rank of Prosecutor III, Prosecutor II and
39 Prosecutor I in each of the existing regional, provincial and city prosecution offices shall bear
40 the titles provided in SECTION 15 hereof.

41
42 **SEC. 18. No Undermining of Security of Tenure.** - Nothing in this Act shall be
43 construed to allow the transfer, except as provided herein or in cases of temporary
44 assignment, of any prosecutor to any place or station without his or her written consent, or to
45 undermine the security of tenure of incumbent prosecutors as provided in the laws.

46
47 **SEC. 19. Transitory Provisions.** - Upon the approval of this Act, the President shall
48 issue the necessary letters of implementation specifying the details carrying out the
49 constitution of the national prosecution service into an autonomous Office of the Prosecutor
50 General.

51
52 The pertinent functions, applicable appropriations, records, equipment, property, and
53 such clerical and subordinate personnel as may be necessary shall remain or be transferred to
54 the appropriate staff of offices.

SEC. 20. *Appropriation.* - There is hereby appropriated initially the sum of _____ from the funds of the National Treasury not otherwise appropriated for the organization and operational expenses of the Office of the Prosecutor General for a period of one (1) year from the effectivity of this Act. Thereafter, the said amount shall be included in the annual appropriation act.

SEC. 21. *Repeal.* - All acts, laws, decrees, executive orders, letters of instructions and regulations or any part thereof which are inconsistent with any provision of this Act are hereby repealed and/or modified accordingly.

SEC. 22. *Separability Clause.* - If for any reason, any section or provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions of this Act which are not effected thereby shall continue in full force and effect.

SEC. 23. *Effectivity.* - This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation or in the *Official Gazette*.

Approved