



Republic of the Philippines
House of Representatives
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 1767



Introduced by the HON. MARLYN B. ALONTE

ACT AMENDING SECTIONS 15 AND 16 OF REPUBLIC ACT 10071 OTHERWISE KNOWN AS THE “NATIONAL PROSECUTION SERVICE ACT OF 2010”, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

EXPLANATORY NOTE

As the third pillar of this country’s criminal justice system, the crucial role of the National Prosecution Service (NPS) of the Department of Justice in the speedy and efficient dispensation of justice cannot be overemphasized.

Without the NPS, the vision of, among others, providing the public an effective system or process in the community by which crimes are investigated and persons suspected thereof taken into custody, prosecuted in court and punished if found guilty, would simply remain to be a myth.

Hence, the NPS deserves the outmost support the government can extend to an equally important component or agency in the Executive Department.

Section 15, Republic Act No. 10071, otherwise known as the “Prosecution Service Act of 2010”, provides for the ranks of prosecutors, as follows:

RANK	POSITION/TITLE
Prosecutor V	(1) Senior Deputy State Prosecutors; (2) Regional Prosecutors; and (3) Provincial Prosecutors or City Prosecutors of provinces or cities with at least twenty-five (25) prosecutors, and City Prosecutors of cities within a metropolitan area established by law.
Prosecutor IV	(1) Deputy State Prosecutors; (2) Deputy Regional Prosecutors; (3) Provincial Prosecutors or City Prosecutors of provinces or cities with less than twenty-five (25) prosecutors; and (4) Deputy Provincial Prosecutors or Deputy City Prosecutors of provinces or cities within a metropolitan area established by law.
Prosecutor III	(1) Senior Assistant State Prosecutors and Senior Assistant

Regional Prosecutors;
(2) Deputy Provincial or Deputy City Prosecutors of provinces or cities with less than twenty- five (25) prosecutors; and
(3) Senior Assistant Provincial Prosecutors or Senior Assistant City Prosecutors.

Prosecutor II (1) Assistant State Prosecutors;
 (2) Assistant Regional Prosecutors; and
 (3) Assistant Provincial Prosecutors or Assistant City

Prosecutor I (1) Associate Provincial Prosecutors or Associate City
 Prosecutors.

Section 16 of the same Act, provides for the qualifications, ranks and appointments of prosecutors and other prosecution officers, thus:

Prosecutor with the rank of Prosecutor V shall have the same qualification for appointment, rank, category, prerogatives, salary grade, and salaries, allowances, and emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefits as those of an Associate Justice of the Court of Appeals.

Prosecutors with the rank of Prosecutor IV shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefit as those of a Judge of the Regional Trial Court.

Prosecutor with the rank of Prosecutor III shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefit as those of a Judge of the Metropolitan Trial Court.

Prosecutor with the rank of Prosecutor II shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefit as those of a Judge of the Municipal Trial Court in Cities.

Prosecutor with the rank of Prosecutor I shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefit as those of a Judge of the Municipal Trial Court.

Paragraph 6, of the same Section 16, further provides, that:

Any increase after the approval of this Act in the salaries, allowances or retirement benefits or **any upgrading of the grades or levels thereof of any or all of the justices or judges** referred to herein to whom said emoluments are assimilated **shall apply to the corresponding prosecutors.** (emphasis and underscoring supplied)

In an *En Banc* Resolution issued on June 26, 2018, the Supreme Court upgraded the positions of the Judges of all first level courts as follows:

A.M. No. 17-09-07-SC (Re: Upgrading of the Salary Grades of the Judges of the Municipal Trial Courts, Municipal Circuit Trial Courts, and Shari'a Circuit Trial Courts, and Municipal Trial Courts in Cities from Salary Grade (SG) 26 and SG 27, respectively, to SG 28) – The Court Resolved to

(a) NOTE the Memorandum dated June 25, 2018 of Atty. Corazon G. Ferrer-Flores, Deputy Clerk of Court and Chief, Fiscal Management and Budget Office, submitting her report on the instant administrative matter;

- (b) GRANT the Petition dated August 22, 2017 filed by Judge Ricky C. Regino, in his capacity as National President of the Philippine Trial Judges League, Inc.; and
- (c) UPGRADE the positions of the judges of all first level courts as follows:

- (i) Municipal Trial Courts, Municipal Circuit Trial Courts and Shari'a Circuit Courts, from SG 26 to SG 28; and
- (ii) Municipal Trial Court in Cities, from SG 27 to SG 28.

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Applying, therefore, the aforequoted paragraph 6, Section 16 of Republic Act No. 10071, in relation to the *En Banc* Resolution of the Supreme Court in A.M. No. 17-09-07-SC, all prosecutors with salary grade of SG 26 and SG 27 (Prosecutor I, Prosecutor II and Prosecutor III) should, by force of law, likewise be upgraded to SG 28.

Simply upgrading, through administrative process, the salary grade of the concerned prosecutors from SG 26 and SG 27 to SG 28 would however potentially cause a distortion in the qualifications, ranks and category of prosecutors as provided under Republic Act No. 10071, since the concerned prosecutors will then have the same salary grade 28 (SG 28) as those of the Deputy City Prosecutors, Deputy Provincial Prosecutors and all other higher level prosecution officers who currently have salary grade 28 (SG 28).

Meanwhile, under Section 15 of the same Republic Act No. 10071, regardless of the number of their assistants and/or number of court branches in their respective jurisdiction, City Prosecutors in all prosecution offices in the National Capital Region (NCR) have salary grade 30 (SG 30), while Provincial Prosecutors and City Prosecutors outside of NCR, unless they have at least twenty-five (25) Assistants, only have salary grade 29 (SG 29).

In order to remedy the potential distortion in the salary grade of prosecutors as an effect of the upgrading of prosecutors with SG 26 and SG 27 to SG 28, as mandated under paragraph 6, Section 16 of Republic Act No. 10071, and so as to arrive at a standard, uniform and consistent salary grade or level of all City Prosecutors and Provincial Prosecutors all over the country, it is now imperative to amend Sections 15 and 16 of Republic Act No. 10071.

In view thereof, the approval of this bill is earnestly sought.



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Lone District of Binan



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

SECTION 1. Section 15 of Republic Act No. 10071 is hereby amended to read as follows:

SEC. 15. *Ranks of Prosecutors.* – The prosecutors in the National Prosecution Service shall have the following ranks and salary grades:

RANK	POSITION/TITLE
Prosecutor V	(1) Senior Deputy State Prosecutors; (2) Regional Prosecutors; (3) Provincial Prosecutors; (4) City Prosecutors
Prosecutor IV	(1) Deputy State Prosecutors; (2) Deputy Regional Prosecutors; (3) Deputy Provincial Prosecutors; (4) Deputy City Prosecutors

Prosecutor III

- (1) Senior Assistant State Prosecutors;
- (2) Senior Assistant Regional Prosecutors;
- (3) Senior Assistant Provincial Prosecutors;
- (4) Senior Assistant City Prosecutors;
- (5) Assistant State Prosecutors;
- (6) Assistant Regional Prosecutors;
- (7) Assistant Provincial Prosecutors;
- (8) Assistant City Prosecutors;
- (9) Associate Provincial Prosecutors;
- (10) Associate City Prosecutors

Provincial Prosecutors and City Prosecutors with salary grade 29 (SG 29); Deputy Provincial Prosecutors and Deputy City Prosecutors with salary grade 28 (SG 28), at the time of the approval of this Act, shall be upgraded to salary grade 30 (SG 30) and salary grade 29 (SG 29), respectively, and shall have the corresponding position titles as provided herein.

All prosecutors with salary grade 27 (SG 27) and salary grade 26 (SG 26), at the time of the approval of this Act, shall be upgraded to salary grade 28 (SG 28) and shall likewise have the corresponding position titles as provided herein.

Senior Deputy State Prosecutors shall hereinafter be referred to as Senior Deputy Prosecutors General.

Deputy State Prosecutors shall hereinafter be referred to as Deputy Prosecutors General.

Senior Assistant State Prosecutors shall hereinafter be referred to as Senior Assistant Prosecutors General.

Assistant State Prosecutors, whose salary grades have been upgraded pursuant to this Act, shall hereinafter be referred to as Assistant Prosecutors General.

Associate Provincial Prosecutors and Associate City Prosecutors, whose salary grades have been upgraded pursuant to this Act, shall hereinafter be referred to as Assistant Provincial Prosecutors and Assistant City Prosecutors, respectively.

SECTION 2. Section 16 of Republic Act No. 10071 is hereby amended to read as follows:

SEC. 16. Qualifications, Ranks, and Appointments of Prosecutors and other Prosecution Officers. – Prosecutors with the rank of Prosecutor V shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefits as those of an Associate Justice of the Court Appeals.

Prosecutors with the rank of Prosecutor IV shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefits as those of a Judge of the Regional Trial Court.

Prosecutors with the rank of Prosecutor III shall have the same qualifications for appointment, rank, category, privileges, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefits as those of a Judge of the Metropolitan Trial Court.

Any increase after the approval of this Act in the salaries, allowances or retirement benefits or any upgrading of the grades or levels thereof of any or all of the justices or judges referred to herein to whom said emoluments are assimilated shall apply to the corresponding prosecutors.

All the above prosecutors shall be selected from among qualified and professionally trained members of the legal profession who are of proven integrity and competence. They shall be appointed by the President of the Philippines upon recommendation of the Secretary of Justice and shall serve until they reach the age of sixty-five (65) years old: *Provided, however,* That the ages of “seventy years” and “sixty-five years” and the years of service “twenty years” provided in Republic Act No. 910, as amended, and other retirement laws for judges shall be understood as “sixty-five years” and “sixty years,” and “fifteen years,” respectively, when applied to prosecutors.

A prosecution attorney or special counsel shall be a member of the bar in good standing and shall have a salary under Salary Grade 26. Such prosecution officer shall be appointed by the Secretary of Justice: *Provided, however,* That with respect to a special counsel, his/her appointment shall be upon the recommendation of the provincial governor or city mayor and with the endorsement of the provincial prosecutor or city prosecutor, as the case may be.

Subject to Section 20 hereof, the salaries and allowances of regional, provincial and city prosecutors and their assistants, and the members of the prosecution staff, including prosecution attorneys, shall be paid entirely out

of national funds and included in the annual appropriations of the DOJ: *Provided, however*, that this provision is without prejudice to the grant of allowances to the above-mentioned prosecutors by their respective local governments in amounts not exceeding fifty percent (50%) of their basic salaries: *Provided, further*, That the whole of the allowances or portion thereof, whether granted by the national or local government, shall be exempt from income tax.

The salaries, allowances and other emoluments herein fixed shall not apply to officers other than those of prosecutors in the National Prosecution Service, notwithstanding any provisions of law assimilating the salaries of other officers to those herein mentioned.

SECTION 3. *Automatic Increase.* All pension benefits of retired prosecutors of the National Prosecution Service (NPS) shall, upon the approval of this Act, be automatically increased in accordance with Section 23 of Republic Act No. 10071 and the provisions herein.

SECTION 4. *Funding.* The Department of Justice (DOJ) shall include in its programs the immediate implementation of this Act. The funding requirements for the corresponding salary adjustments herein shall be included in the General Appropriations Act. The Department of Budget and Management (DBM) shall immediately issue the corresponding Notice of Organization, Staffing and Compensation Action (NOSCA) and release the consequent funds.

SECTION 5. *Separability Clause.* If, for any reason, a portion of this Act is declared unconstitutional or invalid, the same shall not affect the validity of the other provisions not affected thereby.

SECTION 6. *Repealing Clause.* All laws, decrees, executive orders, issuances, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 7. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

APPROVED.