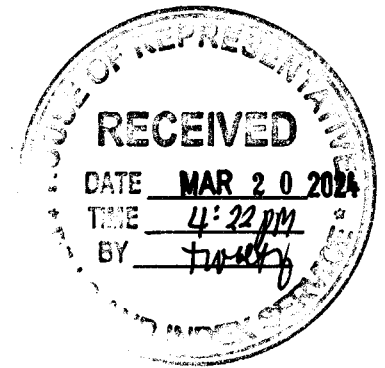


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Second Regular Session

House Bill No. 10211



**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO,
JOCELYN P. TULFO, AND ERWIN T. TULFO**

**AN ACT GRANTING HAZARD PAY TO PUBLIC PROSECUTORS EXPOSED
TO HAZARDOUS SITUATIONS AND PERFORMING HAZARDOUS DUTIES
RELATED TO ASSIGNED CASES AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

Public prosecutors play a vital role in the administration of justice and are primarily responsible for the preliminary investigation and prosecution of all criminal cases. According to the Guidelines on the Role of Prosecutors which was adopted on 7 September 1990 by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, prosecutors are essential agents of the administration of justice and, as such, shall be able to perform their functions without intimidation, hindrance, or harassment.

However, in fulfillment of their duties, public prosecutors are placed under dangerous circumstances involving death threats directed towards them or, worse, their families. There have been at least 110 lawyers, judges, and prosecutors killed in the country from 1977 to 2021.¹ There are even investigations linking the family of those prosecuted or those that are imprisoned or convicted themselves to these atrocious crimes.

Article II, Sec. 5 of the Philippine Constitution declares as a state principle and policy that, "The maintenance of peace and order, the protection of life, liberty and property and promotion of the general welfare are essential for the enjoyment by the people of the blessings of democracy." Thus, it is imperative that public prosecutors are also protected as much as they contribute to the protection and maintenance of peace and order.

In this bill, prosecutors who are subject to conduct the inquest, preliminary investigation, and prosecution of complex and high-profile crimes concerning

¹ Conde, Carlos, "Record High Killing of Philippine Lawyers", *Human Rights Watch*, 15 Mar. 2021, <https://www.hrw.org/news/2021/03/15/record-high-killing-philippine-lawyers/>

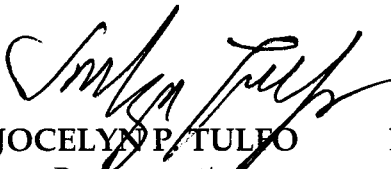
corruption, dangerous drugs, terrorism, arms smuggling, human trafficking, and other crimes against national security and public order, will be eligible to receive compensation. Moreover, prosecutors exposed to hazardous situations will also be eligible for compensation.

Inasmuch as prosecutors and their families shall be physically protected by the authorities when their personal safety is threatened as a result of the discharge of prosecutorial functions as stated in the Guidelines on the Role of Prosecutors, this proposed legislative measure seeks to provide to all eligible public prosecutors in the NPS a monthly, non-taxable hazard pay equivalent to 20% of their basic monthly salary. Providing hazard pay to public prosecutors acknowledges the unique challenges and risks they face in their line of work, boosts morale, and ultimately contributes to the effective functioning of the justice system.

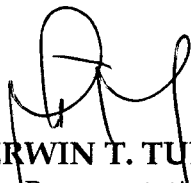
In view of the foregoing, the urgent passing of this bill is earnestly sought.



RALPH WENDEL P. TULFO
Representative
2nd District of Quezon City



JOCELYN P. TULFO
Representative
ACT-CIS Partylist



ERWIN T. TULFO
Representative
ACT-CIS Partylist

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**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO,
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**1 AN ACT GRANTING HAZARD PAY TO PUBLIC PROSECUTORS EXPOSED
2 TO HAZARDOUS SITUATIONS AND PERFORMING HAZARDOUS DUTIES
3 RELATED TO ASSIGNED CASES AND APPROPRIATING FUNDS THEREFOR**

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

4 **SECTION 1. *Short Title.*** – This Act shall be known as the “Public Prosecutors’
5 Hazard Pay Act”.

6
7 **SEC. 2. *Declaration of Policy.*** – It is the policy of the State to maintain peace
8 and order, protect life, liberty and property, and promote the general welfare of the
9 people for the enjoyment of the blessings of democracy. To realize this policy, the
10 State recognizes the indispensable role of the public prosecutors in our criminal
11 justice system. Towards this end, the State shall provide the necessary support to
12 ensure that public prosecutors are properly compensated and insured as they
13 perform their functions.

14
15 **SEC. 3. *Coverage.*** – The public prosecutors of the National Prosecution Service
16 of the Department of Justice who are actually performing any of the hazardous
17 duties and exposed to the conditions enumerated in Section 4 of this Act, as certified
18 by the Secretary of Justice or an authorized representative, are entitled to the
19 benefits under this Act.

1 **SEC. 4. Hazard Pay.** – A public prosecutor is entitled to hazard pay equivalent
2 to twenty percent (20%) of the basic monthly salary while in the performance of the
3 following hazardous duties:
4

5 (a) Assigned to conduct the inquest, preliminary investigation, and
6 prosecution of cases involving crimes against national security and the law
7 of nations, the fundamental laws of the State, public order, and those crimes
8 committed by public officers as defined and penalized under Act No. 3815,
9 otherwise known as the “Revised Penal Code”, as amended;
10

11 (b) Assigned to conduct the inquest, preliminary investigation, and
12 prosecution of cases involving Republic Act No. 9165, otherwise known as
13 the “Comprehensive Dangerous Drugs Act of 2002”, as amended; Republic
14 Act No. 10591, otherwise known as the “Comprehensive Firearms and
15 Ammunition and Regulation Act”; Republic Act No. 3019, otherwise
16 known as the “Anti-Graft and Corrupt Practices Act”, as amended;
17 Republic Act No. 9160, otherwise known as the “Anti-Money Laundering
18 Act of 2001”, as amended; and Republic Act No. 11479, otherwise known as
19 the “Anti-Terrorism Act of 2020”;
20

21 (c) Assigned to conduct the inquest, preliminary investigation, and
22 prosecution of cases involving transnational crimes, including illicit
23 trafficking of narcotic drugs and psychotropic substances, money
24 laundering, terrorism, arms smuggling, trafficking in persons, piracy, and
25 other crimes with significant impact on the political, economic, and socio-
26 cultural stability and security of the country;
27

28 (d) Assigned or exposed to hazardous situations, including assignment in
29 strife-torn or embattled areas, distressed or isolated stations, disease-
30 infested areas, and areas declared under state of calamity or emergency; and
31

1 (e) Assigned to conduct the inquest, preliminary investigation, and
2 prosecution of offenders who have been previously convicted of any of the
3 crimes mentioned in paragraphs (a) to (c) of this Section.
4

5 **SEC. 5. *Tax Exemption and Non-Diminution of Benefits.*** – The hazard pay
6 provided in this Act is not subject to tax and nothing in this Act is construed to
7 diminish, in any manner, any benefit granted by existing laws, rules and regulations,
8 local ordinances, and other issuances to duly appointed public prosecutors.
9

10 **SEC. 6. *Implementing Rules and Regulations.*** – Within sixty (60) days from the
11 effectivity of this Act, the Secretary of Budget and Management and the Secretary of
12 Justice shall jointly formulate and issue the guidelines, rules, and regulations for the
13 effective implementation of this Act.
14

15 **SEC. 7. *Appropriations.*** – The amount necessary for the initial implementation of
16 this Act shall be charged against the current appropriations of the Department of
17 Justice. Thereafter, such sum as may be necessary for the continued implementation
18 of this Act shall be included in the General Appropriations Act.
19

20 **SEC. 8. *Separability Clause.*** – If any provision or part of this Act is declared invalid
21 or unconstitutional, the remaining parts or provisions not affected shall remain in
22 force and effect.
23

24 **SEC. 9. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
25 regulations, or parts thereof contrary to or inconsistent with the provisions of this Act
26 are amended, repealed, or modified accordingly.
27

28 **SEC. 10. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
29 publication in the Official Gazette or in a newspaper of general circulation.
30

31 *Approved,*