



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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1564



Introduced by Representative WALFREDO R. DIMAGUILA, JR.

**AN ACT AMENDING SECTIONS 15 AND 16 OF REPUBLIC ACT NO. 10071,
OTHERWISE KNOWN AS THE "NATIONAL PROSECUTION SERVICE ACT OF
2010," APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Pending before the 19th Congress were *House Bill No. 117*, introduced by the Hon. Roy M. Loyola, 5th District, Cavite and *House Bill No. 1767*, introduced by the Hon. Marlyn B. Alonte, Lone District, Biñan City, Laguna, similarly seeking to amend Sections 15 and 16 of Republic Act No. 10071, otherwise known as the "*Prosecution Service Act of 2010*." The bills which intend to correct and update the qualifications, ranks, and category of prosecutors as a consequence of the upgrading by the Supreme Court of the salary grades of first level trial courts, has been duly approved by the Committee on Justice of the Nineteenth (19th) Congress.

Section 16 of Republic Act No. 10071 provides that qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments, retirement benefits and other privileges of prosecutors shall be the same as those of the corresponding justices and judges, and that any increase in the salaries, allowances or retirement benefits or any upgrading of salary grades of the

justices or judges to whom said emoluments are assimilated shall apply to the corresponding prosecutors.

On June 26, 2018, the Supreme Court *En Banc* Resolution in *A.M. No. 17-09-07-SC*, upgraded the salary grades of first level court judges in the provinces from SG 26 and SG 27 to SG 28. In doing so, the Supreme Court has effectively removed the distinction and disparity in salaries and salary grades between first level trial courts in the provinces and their counterparts in Metro Manila.

Presently, prosecutors in Metro Manila also enjoy higher salaries and salary grades than their counterparts in the provinces. This distinction and disparity should therefore also be removed.

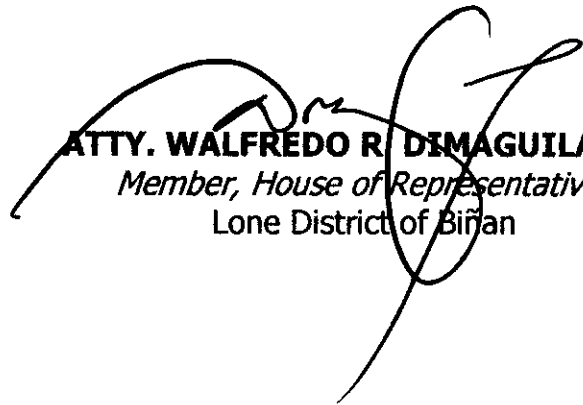
Hence, in order to correct and update the qualifications, ranks, and category of prosecutors and arrive at a standard, uniform and consistent salary grades of prosecutors nationwide, it is imperative to amend Sections 15 and 16 of Republic Act No. 10071, by upgrading all prosecutors with salary grade (SG) 26 and (SG) 27 to salary grade (SG) 28; all Deputy City Prosecutors (in the provinces) and Deputy Provincial Prosecutors with salary grade (SG) 28 to salary grade (SG) 29; and all City Prosecutors (in the provinces) and Provincial Prosecutors, except those with at least twenty-five (25) Assistant Prosecutors, to salary grade (SG) 30.

The amendment sought will not have the effect of unfairly removing the salary distinction between the affected Provincial and City Prosecutors, and the Senior Deputy State Prosecutors and Regional Prosecutors who also have salary grade (SG) 30) since said Senior Deputy State Prosecutors and Regional Prosecutors enjoy higher salary Step Increments (Step 6 and Step 5, respectively) upon appointment.

As the third pillar of the country's criminal justice system, the crucial role of prosecutors in the speedy and efficient dispensation of justice cannot be overemphasized. Without the prosecutors, the vision of 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. Prosecutors, particularly in the provinces, therefore deserve the outmost support that government can extend.

Immediate approval of this bill is therefore earnestly sought.



ATTY. WALFREDO R. DIMAGUILA, JR.
Member, House of Representatives
Lone District of Biñan

14		Prosecutors;
15		(4) City Prosecutors
16		
17	Prosecutor IV	(1) Deputy State
18	(SG 29)	Prosecutors;
19		(2) Deputy Regional
20		Prosecutors;
21		(3) Deputy Provincial
22		Prosecutors;
23		(4) Deputy City
24		Prosecutors
25	Prosecutor III	(1) Senior Assistant State
26		Prosecutors;
27		(2) Senior Assistant
28		Regional Prosecutors;
29		(3) Senior Assistant
30		Provincial Prosecutors;
31		(4) Senior Assistant City
32		Prosecutors;
33		(5) Assistant State
34		Prosecutors;
35		(6) Assistant Regional
36		Prosecutors;
37		(7) Assistant Provincial
38		Prosecutors;
39		(8) Assistant City
40		Prosecutors;
41		(9) Associate Provincial
42		Prosecutors;
43		(10) Associate City Prosecutors
44		

45 Provincial Prosecutors and City Prosecutors with salary
46 grades of SG 29, Deputy Provincial Prosecutors and Deputy City
47 Prosecutors with salary grade of SG 28, at the time of the approval
48 of this Act, shall be upgraded to one rank higher and shall have the
49 corresponding position titles as provided herein.

50
51 All prosecutors with salary grade of SG 27 and SG 26, at the
52 time of the approval of this Act, shall be deemed upgraded to SG
53 28 and shall likewise have the corresponding position titles as
54 provided herein.

55
56 All Associate Provincial Prosecutors and Associate City
57 Prosecutors whose salary grades have been upgraded shall
58 henceforth be referred to as Assistant Provincial Prosecutors and
59 Assistant City Prosecutors, respectively.

60
61 **SECTION 2.** Section 16 of Republic Act No. 10071 is hereby amended to read
62 as follows:

63
64 *SEC. 16. Qualifications, Ranks, and Appointments of*
65 *Prosecutors and other Prosecution Officers.* – Prosecutors with the
66 rank of Prosecutor V shall have the same qualifications for
67 appointment, rank, category, prerogatives, salary grade and
68 salaries, allowances, emoluments and other privileges, shall be
69 subject to the same inhibitions and disqualifications, and shall enjoy
70 the same retirement and other benefits as those of an Associate
71 Justice of the Court Appeals.

72
73 Prosecutors with the rank of Prosecutor IV shall have the same
74 qualifications for appointment, rank, category, prerogatives, salary
75 grade and salaries, allowances, emoluments and other privileges,
76 shall be subject to the same inhibitions and disqualifications, and
77 shall enjoy the same retirement and other benefits as those of a
78 Judge of the Regional Trial Court.

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

85
86 Any increase after the approval of this Act in the salaries,
87 allowances or retirement benefits or any upgrading of the grades or
88 levels thereof of any or all of the justices or judges referred to herein
89 to whom said emoluments are assimilated shall apply to the
90 corresponding prosecutors.

91
92 All the above prosecutors shall be selected from among
93 qualified and professionally trained members of the legal profession
94 who are of proven integrity and competence. They shall be appointed
95 by the President of the Philippines upon recommendation of the
96 Secretary of Justice and shall serve until they reach the age of sixty-
97 five (65) years old: *Provided, however,* That the ages of "seventy
98 years" and "sixty-five years" and the years of service "twenty years"
99 provided in Republic Act No. 910, as amended, and other retirement
100 laws for judges shall be understood as "sixty-five years" and "sixty
101 years," and "fifteen years," respectively, when applied to
102 prosecutors.

103
104 A prosecution attorney or special counsel shall be a member
105 of the bar in good standing and shall have a salary under Salary
106 Grade 26. Such prosecution officer shall be appointed by the
107 Secretary of Justice: *Provided, however,* That with respect to a
108 special counsel, his/her appointment shall be upon the
109 recommendation of the provincial governor or city mayor and with
110 the endorsement of the provincial prosecutor or city prosecutor, as
111 the case may be.

112 Subject to Section 20 hereof, the salaries and allowances of
113 regional, provincial and city prosecutors and their assistants, and the
114 members of the prosecution staff, including prosecution attorneys,
115 shall be paid entirely out of national funds and included in the annual
116 appropriations of the DOJ: *Provided, however,* that this provision is
117 without prejudice to the grant of allowances to the above-mentioned
118 prosecutors by their respective local governments in amounts not
119 exceeding fifty percent (50%) of their basic salaries: *Provided,*
120 *further,* That the whole of the allowances or portion thereof, whether
121 granted by the national or local government, shall be exempt from
122 income tax.

123
124 The salaries, allowances and other emoluments herein fixed
125 shall not apply to officers other than those of prosecutors in the
126 National Prosecution Service, notwithstanding any provisions of law
127 assimilating the salaries of other officers to those herein mentioned.

128
129 **SECTION 3. *Automatic Increase.*** All pension benefits of retired prosecutors
130 of the National Prosecution Service (NPS) shall, upon the approval of this Act, be
131 automatically increased in accordance with Section 23 of Republic Act No. 10071 and
132 the provisions herein.

133
134 **SECTION 4. *Funding.*** The Department of Justice (DOJ) shall include in its
135 programs the immediate implementation of this Act. The funding requirements for the
136 corresponding salary adjustments herein shall be included in the General
137 Appropriations Act. The Department of Budget and Management (DBM) shall
138 immediately issue the corresponding Notice of Organization, Staffing and
139 Compensation Action (NOSCA) and release the consequent funds.

140
141

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

145

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

149

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

APPROVED.