

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

Twentieth Congress
First Regular Session



House Bill No. 1572

Introduced by Honorable Roy M. Loyola

EXPLANATORY NOTE

Sections 15 and 16 of Republic Act No. 10071 otherwise known as the 'Prosecution Service Act of 2010' provide that prosecutors' qualifications, ranks, category, prerogative, salary grade and salaries, allowances, emoluments, retirement benefits and other privileges, among others, should be the same as those of the corresponding Justices and Judges.


However, in an en banc resolution of the Supreme Court dated June 26, 2018, the Supreme Court increased the salaries of the country's first-level court judges, from the previous 102,000-114,000 to 127,000 monthly. They would now be under Salary Grade 28, from the previous Salary Grade 26 and 27.

The upgrading should have been applied also to the corresponding prosecutors as mandated by our law, but they have been excluded by the said Supreme Court resolution.

Thus, this proposed measure aims to amend Sections 15 and 16 of Republic Act No. 10071 to correct and to update the qualifications, ranks, and category of prosecutors as a consequence of the upgrading of the positions of justices and judges provided for by the said Supreme Court En Banc resolution.

At the heart of a strong justice system is the indispensable and complementary role of the State's prosecutorial arm. The National Prosecution Service (NPS) is mandated to uphold the rule of law as a component of the justice system. However it is sad to note that our prosecutors earn less than those in the Judiciary.

Thus, immediate approval of this bill is earnestly sought.


ATTY. ROY M. LOYOLA
Representative
Fifth District, Cavite

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

Twentieth Congress
First Regular Session

House Bill No. 1572

Introduced by Honorable Roy M. Loyola

AN 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

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

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

3
4
5
6

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 (SG 30)	(1) Senior Deputy State Prosecutors (2) Regional Prosecutors (3) Provincial Prosecutors (4) City Prosecutors
Prosecutor IV (SG 29)	(1) Deputy State Prosecutors (2) Deputy Regional Prosecutors (3) Deputy Provincial Prosecutors (4) Deputy City Prosecutors
Prosecutor III (SG 28)	(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

7

8 Provincial Prosecutors and City Prosecutors with salary grades of SG
9 29, Deputy Provincial Prosecutors and Deputy City Prosecutors with
10 salary grades of SG 28, at the time of the approval of this Act, shall be
11 automatically upgraded one rank higher and shall have the
12 corresponding position titles as provided herein.

13

14 All Prosecutors with salary grades of SG 26 and SG 27, at the time of
15 the approval of this Act, shall be deemed upgraded to SG 28 and shall
16 likewise have the corresponding position titles as provided herein.

17

18 All Associate Provincial Prosecutors and Associate City Prosecutors
19 whose salary grades have herein been deemed upgraded shall
20 henceforth be referred to as Assistant Provincial Prosecutors and
21 Assistant City Prosecutors, respectively.

22

23 **SEC 2.** Section 16 of Republic Act No. 10071 is hereby amended to read
24 as follows:

25

26 *Sec. 16. Qualifications, Ranks, and Appointments of Prosecutors*
27 *and other Prosecution Officers.* - Prosecutors with the rank of
28 Prosecutor V shall have the same qualifications for appointment,
29 rank, category, prerogatives, salary grade and salaries, allowances,
30 emoluments and other privileges, shall be subject to the same
31 inhibitions and disqualifications, and shall enjoy the same
32 retirement and other benefits as those of an Associate Justice of
33 the Court Appeals.

34 Prosecutors with the rank of Prosecutor IV shall have the same
35 qualifications for appointment, rank, category, prerogatives, salary
36 grade and salaries, allowances, emoluments and other privileges,

37 shall be subject to the same inhibitions and disqualifications, and
38 shall enjoy the same retirement and other benefits as those of a
39 Judge of the Regional Trial Court.

40

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

47

48 Any increase after the approval of this Act in the salaries,
49 allowances or retirement benefits or any upgrading of the grades or
50 levels thereof of any or all of the Justices or Judges referred to
51 herein to whom said emoluments are assimilated shall apply to the
52 corresponding prosecutors.

53

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

64

65 A prosecution attorney or special counsel shall be a member of the
66 bar in good standing and shall have a salary under Salary Grade
67 26. Such prosecution officer shall be appointed by the Secretary of
68 Justice: *Provided, however,* That with respect to a special counsel,
69 his/her appointment shall be upon the recommendation of the

70 provincial governor or city mayor and with the endorsement of the
71 provincial prosecutor or city prosecutor, as the case may be.

72
73 Subject to Section 20 hereof, the salaries and allowances of
74 regional, provincial and city prosecutors and their assistants, and
75 the members of the prosecution staff, including prosecution
76 attorneys, shall be paid entirely out of national funds and included
77 in the annual appropriations of the DOJ: *Provided, however,* that
78 this provision is without prejudice to the grant of allowances to the
79 above-mentioned prosecutors by their respective local
80 governments in amounts not exceeding fifty percent (50%) of their
81 basic salaries: *Provided, further,* That the whole of the allowances
82 or portion thereof, whether granted by the national or local
83 government, shall be exempt from income tax.

84
85 The salaries, allowances and other emoluments herein fixed shall
86 not apply to officers other than those of prosecutors in the National
87 Prosecution Service, notwithstanding any provisions of law
88 assimilating the salaries of other officers to those herein mentioned.

89
90 **SEC 3. Automatic Increase.** All pension benefits of retired prosecutors
91 of the National Prosecution Service (NPS) shall be automatically increased in
92 accordance with Section 23 of Republic Act No. 10071, as amended.

93
94 **SEC. 4. Funding.** - The Department of Justice (DOJ) shall include in its
95 programs the immediate implementation of this Act. The funding requirements
96 for the corresponding salary adjustments herein shall be included in the
97 General Appropriations Act. The Department of Budget and Management
98 (DBM) shall immediately issue the corresponding Notice of Organization,
99 Staffing and Compensation Action (NOSCA) and release the consequent
100 funds.

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

105

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

109

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

Approved,