

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3707



Introduced by REP. YSABEL MARIA J. ZAMORA

EXPLANATORY NOTE

This bill grants a monthly hazard pay of Five Thousand Pesos (P5,000.00) to qualified public prosecutors of the National Prosecution Service, in addition to their regular compensation.

To qualify, a public prosecutor must be assigned to conduct the inquest proceeding, preliminary investigation or prosecution of high-risk cases listed in Section 4 of the bill, such as:

- Crimes against national security and the law of nations, the fundamental laws of the state, public order, and crimes committed by public officers under the Revised Penal Code (Act No. 3815);
- Violations of the *Comprehensive Dangerous Drugs Act of 2002*, *Comprehensive Firearms and Ammunition Regulation Act*, *Anti-Graft and Corrupt Practices Act*, *Anti-Money Laundering Act of 2001*, and *The Anti-Terrorism Act of 2020*;
- Transnational crimes;
- Environmental crimes such as illegal logging, illegal mining, illegal fishing, and illegal dumping of hazardous waste;
- Assignment to strife-torn or embattled areas, distressed or isolated stations, disease-infested areas, and areas declared to be under a state of calamity or emergency;
- Cases of offenders who have been previously convicted of the crimes mentioned in Section 4; and
- Analogous cases as determined by the Secretary of Justice.

The bill also covers prosecutors who are tasked to authorize the prosecution of hazardous cases in Section 4, or who approve, review, reverse, or modify resolutions on inquest proceedings or preliminary investigations involving such hazardous cases.

This proposed measure is a recognition of the indispensable role of the public prosecutors in our criminal justice system. Thus, the State should provide the necessary support to ensure that public prosecutors are properly compensated as they perform their functions in hazardous situations related to their assigned cases.

The House of Representatives passed on Third and Final Reading a similar measure in the 19th Congress. The immediate approval of this bill in the 20th Congress is earnestly sought.


REP. YSABEL MARIA J. ZAMORA
One District, City of San Juan

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

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

SECTION 1. Short Title. – This Act shall be known as the “Hazard Pay for Public Prosecutors Act.”

SEC. 2. Declaration of Policy. – It is the policy of the State to maintain peace and order, protect life, liberty and property, and promote the general welfare of the people for the enjoyment of the blessings of democracy. To realize this policy, the State recognizes the indispensable role of the public prosecutors in our criminal justice system. To this end, the State shall provide the necessary support to ensure that public prosecutors are properly compensated as they perform their functions in hazardous situations related to their assigned cases.

SEC. 3. Coverage. – All public prosecutors of the National Prosecution Service of the Department of Justice who are actually performing any of the hazardous duties and are exposed to the conditions described in Section 4 of this Act, as certified by the Secretary of Justice or a duly authorized representative, including public prosecutors who are tasked to authorize the prosecution of hazardous cases mentioned in this Section, or who approve, review, reverse, or modify resolutions on inquest proceedings or preliminary investigations involving such hazardous cases, are likewise entitled to receive hazard pay as provided in this Act.

SEC. 4. Hazard Pay. – All covered public prosecutors are entitled to receive a monthly hazard pay of Five thousand pesos (₱5,000.00) in addition to their regular compensation, while in the performance of the following hazardous duties:

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

(b) Assigned to conduct the inquest proceeding, preliminary investigation, or prosecution of cases involving Republic Act (R.A.) No. 9165, as amended, otherwise known as the

"Comprehensive Dangerous Drugs Act of 2002", R.A. No. 10591, otherwise known as the "Comprehensive Firearms and Ammunition Regulation Act", R.A. No. 3019, as amended, otherwise known as the "Anti-Graft and Corrupt Practices Act", R.A. No. 9160, as amended, otherwise known as the "Anti-Money Laundering Act of 2001", and R.A. No. 11479, otherwise known as "The Anti-Terrorism Act of 2020";

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

(d) Assigned to conduct the inquest proceeding, preliminary investigation, or prosecution of cases involving illegal logging, illegal mining, illegal fishing, illegal dumping of hazardous waste, as well as the destruction, exploitation, illegal gathering, smuggling, illegal trade, or trafficking of all kinds of flora, fauna, marine life, minerals, precious metals, and other natural resources, and all other crimes, offenses and prohibited acts with significant impact on the environment,

(e) Assigned or exposed to hazardous situations, including assignment in strife-torn or embattled areas, distressed or isolated stations, disease-infested areas, and areas declared by a competent authority to be under a state of calamity or emergency;

(f) Assigned to conduct the inquest proceeding, preliminary investigation, and prosecution of offenders who have been previously convicted of any of the crimes mentioned in paragraphs (a) to (d) of this Section; and

(g) Assigned to other hazardous duties and circumstances analogous to the foregoing, as determined by the Secretary of Justice.

SEC. 5. Tax Exemption and Non-Diminution of Benefits. – The hazard pay provided in this Act shall form part of the exclusions from taxable gross income in accordance with Section 32 (b) (7) (e) of the National Internal Revenue Code of 1997, as amended: *Provided*, That nothing in this Act shall be construed to diminish, in any manner, any benefit granted to duly appointed public prosecutors under existing laws, rules and regulations, local ordinances, and other issuances.

SEC. 6. Implementing Rules and Regulations. - Within sixty (60) days from the effectivity of this Act, the Secretary of Budget and Management and the Secretary of Justice shall jointly promulgate rules and regulations for the effective implementation of this Act.

SEC. 7. Appropriations. - The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriation of the Department of Justice. Thereafter, such amount shall be included in the annual General Appropriations Act.

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

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

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

Approved,