



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4832



Introduced by Hon. Jonathan Keith T. Flores

EXPLANATORY NOTE

The Constitution mandates the State to promote a just and humane society and to strengthen the rule of law through a fair and impartial justice system (Article II, Section 1, 1987 Constitution). In this regard, public prosecutors perform an indispensable role as officers of the court and representatives of the people in criminal prosecutions. Their primary duty is to uphold the interest of the State by ensuring that offenders are held accountable and that justice is served.

However, in the discharge of their functions, public prosecutors are exposed to constant threats, intimidation, and even violent reprisals from criminal elements. According to reports, several prosecutors have been victims of harassment and killings in recent years. The Free Legal Assistance Group (FLAG) and the National Union of People's Lawyers (NUPL) have documented numerous instances of attacks against lawyers and prosecutors, underscoring the dangers inherent in the practice of law in the Philippines.^{1,2} The Department of Justice has likewise recognized the risks faced by prosecutors, with the National Prosecution Service noting incidents of threats and violence directed against its members in the performance of their duties.

Despite these circumstances, public prosecutors are not uniformly granted hazard pay, unlike other public sector employees whose work involves exposure to occupational hazards. The Magna Carta of Public Health Workers (Republic Act No. 7305), for example, explicitly provides hazard allowances to health personnel exposed to dangers in their line of work. Similarly, law enforcement officers under Republic Act No. 6975, as amended, are entitled to hazard pay in recognition of the risks inherent in their service. Public prosecutors, who also face grave risks to their safety, deserve equal recognition and protection.

This bill seeks to institutionalize the grant of hazard pay to public prosecutors commensurate to the level of risk and responsibility inherent in their position. Providing hazard pay not only affirms the State's constitutional obligation to protect its employees but also serves as an acknowledgment of the indispensable role prosecutors play in maintaining peace, order, and the effective administration of justice.

In view of the foregoing, the passage of this measure is earnestly sought.

JONATHAN KEITH T. FLORES
2nd District, Bukidnon

¹ Human Rights Watch, *Philippines*: June 2021
<https://www.hrw.org/world-report/2021/country-chapters/philippines#4e7414>

² Lawyers for Lawyers: Attacks against lawyers further escalating
<https://www.lawyersforlawyers.org/the-philippines-attacks-against-lawyers-further-escalating/>



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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.”

SECTION 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.

SECTION 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.

SECTION 4. *Hazard Pay.* All covered public prosecutors are entitled to receive a monthly hazard pay of Five thousand pesos (P5,000.00) 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 No. (RA) 9165, as amended, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”, RA 10591, otherwise known as the “Comprehensive Firearms and Ammunition Regulation Act”, RA 3019, as amended, otherwise known as the “Anti-Graft and

Corrupt Practices Act”, RA 9160, as amended, otherwise known as the “Anti-Money Laundering Act of 2001”, and RA 11479, otherwise known as “The Anti-Terrorism Act of 2020”;

(c) Assigned to conduct the inquest proceeding, preliminary investigation, and 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, and 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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,