


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'16 JUL 21 AIO :29

SENATE

RECEIVED BY: 

S. B. No. 730

Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
REPEALING REPUBLIC ACT NO. 5180, AS AMENDED, "AN ACT PRESCRIBING
A UNIFORM SYSTEM OF PRELIMINARY INVESTIGATION BY PROVINCIAL
AND CITY FISCALS AND THEIR ASSISTANTS, AND BY STATE ATTORNEYS
OR THEIR ASSISTANTS"

EXPLANATORY NOTE

This bill advances a solution to address the systemic delay in our country's criminal justice system by empowering the Department of Justice (DOJ) to issue and promulgate rules and regulations on investigation of criminal cases.

It is argued that the prevailing law, Republic Act No. 5180, as amended, renders rigid and inflexible the operative regulations on criminal investigations being followed by law enforcement agencies and the National Prosecution Service.

As an executive function, it is suggested to adopt this policy of giving the government's prosecution arm the authority and leeway to issue and promulgate rules and regulations on criminal investigations through the DOJ.

FRANCIS G. ESCUDERO

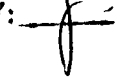
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Be it enacted by the Senate and the House of Representatives of the Republic of the Philippines in Congress assembled:

1 **SECTION 1.** *Repealing Clause.* - Republic Act No. 5180, "An Act Prescribing a
2 *Uniform System of Preliminary Investigation by Provincial and City Fiscals and their*
3 *Assistants, and by State Attorneys or their Assistants,"* and its amendatory laws,
4 Presidential Decree Nos. 77 and 911, are hereby repealed.

5
6 **SEC. 2.** *Authority of the Department of Justice (DOJ).* - The DOJ, as the
7 statutorily mandated agency of government to administer the criminal justice system,
8 shall have the power to issue and promulgate rules and regulations on the conduct of
9 investigations of violations of criminal laws consistent with the Rules of Court or any
10 rules promulgated by the Supreme Court.

11
12 **SEC. 3.** *Effectivity Clause.* This Act shall take effect fifteen (15) days from its
13 publication in the Official Gazette or at least three (3) newspapers of general circulation,
14 and upon effectivity of such rules and regulations to be issued and promulgated by the
15 DOJ pursuant to this Act.

16
17 *Approved,*