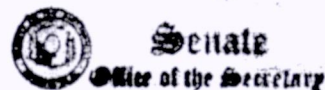


EIGHTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
*First Regular Session* }



'19 SEP 10 P5:41

SENATE  
S.B. No. 1028

RECEIVED BY: J

---

INTRODUCED BY **SENATOR VICENTE C. SOTTO III**

---

**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**

**EXPLANATORY NOTE**

As the third pillar of this country's criminal justice system, the crucial role of the National Prosecution Service (NPS) of the Department of Justice in the speedy and efficient dispensation of justice cannot be overemphasized. Without the NPS, the vision of, among others, 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.

Hence, the NPS deserves the outmost support the government can extend to an equally important component or agency in the Executive Department.

Sections 15 and 16 of Republic Act No. 10071, otherwise known as the "Prosecution Service Act of 2010", provide for the qualifications, ranks, category, prerogatives, salary grade and salaries, allowances, emoluments, retirement benefits and other privileges, among others, of prosecutors to be the same as those of the corresponding justices and judges, as follows:

Prosecutor with the rank of Prosecutor V shall have the same qualification for appointment, rank, category, prerogatives, salary grade, and salaries, allowances, and emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefits as those of an Associate Justice of the Court of Appeals. Prosecutors with the rank of Prosecutor IV shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefit as those of a Judge of the Regional Trial Court.

Prosecutor with the rank of Prosecutor III shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefit as those of a Judge of the Metropolitan Trial Court.

Prosecutor with the rank of Prosecutor II shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefit as those of a Judge of the Municipal Trial Court in Cities.

Prosecutor with the rank of Prosecutor I shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefit as those of a Judge of the Municipal Trial Court.

Paragraph 6, of the same Section 16 of the Act, further provides, that:

Any increase after the approval of this Act in the salaries, allowances or retirement benefits or **any upgrading of the grades or levels thereof of any or all of the justices or judges** referred to herein to whom said emoluments are assimilated **shall apply to the corresponding prosecutors.**  
(emphasis and underscoring supplied)

In an *En Banc* Resolution issued on June 26, 2018, the Supreme Court upgraded the positions of the Judges of all first level courts as follows:

A.M. No. 17-09-07-SC (Re: Upgrading of the Salary Grades of the Judges of the Municipal Trial Courts, Municipal Circuit Trial Courts, and Shari'a Circuit Trial Courts, and Municipal Trial Courts in Cities from Salary Grade (SG) 26 and SG 27, respectively, to SG 28) – The Court Resolved to

- (a) NOTE the Memorandum dated June 25, 2018 of Atty. Corazon G. Ferrer-Flores, Deputy Clerk of Court and Chief, Fiscal Management and Budget Office, submitting her report on the instant administrative matter;
- (b) GRANT the Petition dated August 22, 2017 filed by Judge Ricky C. Regino, in his capacity as National President of the Philippine Trial Judges League, Inc.; and
- (c) UPGRADE the positions of the judges of all first level courts as follows:

- (i) Municipal Trial Courts, Municipal Circuit Trial Courts and Shari'a Circuit Courts, from SG 26 to SG 28; and
- (ii) Municipal Trial Court in Cities, from SG 27 to SG 28.

xx xx xx

Applying, therefore, the aforementioned paragraph 6, Section 16 of Republic Act No. 10071, in relation to the subject *En Banc* Resolution of the Supreme Court in A.M. No. 17-09-07-SC, all prosecutors with the salary grades of SG 26 and SG 27 shall, by force of law, likewise be deemed upgraded to SG 28.

The upgrading of the salary grades or levels of the concerned prosecutors to SG 28, however, would cause a distortion in the qualifications, ranks and category of prosecutors as provided in Sections 15 and 16 of the same Act, since the concerned prosecutors will now have the same qualifications, ranks and category as those of the deputy city and deputy provincial prosecutors and other higher level prosecutors who presently have the salary grades of SG 28.

Meanwhile, all city prosecutors in the city prosecution offices of Metro Manila, regardless of the size of their offices and the number of their assistants, enjoy the salary grade of SG 30; while the city and provincial prosecutors outside of Metro Manila, unless they have at least 25 assistants, only had salary grades of SG 29.

In order to remedy the seeming distortion in the qualifications, ranks and category of prosecutors as provided in Sections 15 and 16 of Republic Act No. 10071, as a result of the upgrading, as mandated by law, of the salary grades of all assistant prosecutors to SG 28, and so as to arrive at a

standard, uniform and consistent salary grades or levels of all associate city and associate provincial prosecutors; assistant city and assistant provincial prosecutors; deputy city and deputy provincial prosecutors, and city and provincial prosecutors throughout the country (*that is:* SG 28 for all associate city and associate provincial prosecutors; assistant city and assistant provincial prosecutors; SG 29 for all deputy city and deputy provincial prosecutors; and SG 30 for all city and provincial prosecutors), it is now imperative to amend Sections 15 and 16 of the same Act.

In view thereof, the approval of this bill is highly recommended.



VICENTE C. SOTTO III



'19 SEP 10 P5:41

SENATE  
S.B. No. 1028

RECEIVED BY: \_\_\_\_\_

---

INTRODUCED BY SENATOR VICENTE C. SOTTO III

---

**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 the House of Representatives of the Philippines in Congress assembled:*

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

3           Sec. 15. *Ranks of Prosecutors.* – The prosecutors in the National Prosecution  
4 Service shall have the following ranks and salary grades:

5	Rank	Position/ Title
6	Prosecutor V	(1) Senior Deputy State Prosecutors
7	(SG 30)	(2) Regional Prosecutors
8		(3) Provincial Prosecutors
9		(4) City Prosecutors
10	Prosecutor IV	(1) Deputy State Prosecutors
11	(SG 29)	(2) Deputy Regional Prosecutors
12		(3) Deputy Provincial Prosecutors
13		(4) Deputy City Prosecutors
14	Prosecutor III	(1) Senior Assistant State Prosecutors
15	(SG 28)	(2) Senior Assistant Regional Prosecutors
16		(3) Senior Assistant Provincial Prosecutors

- 1 (4) Senior Assistant City Prosecutors
- 2 (5) Assistant State Prosecutors
- 3 (6) Assistant Regional Prosecutors
- 4 (7) Assistant Provincial Prosecutors
- 5 (8) Assistant City Prosecutors
- 6 (9) Associate Provincial Prosecutors
- 7 (10) Associate City Prosecutors

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

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

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

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

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

32 Prosecutors with the rank of Prosecutor IV shall have the same  
33 qualifications for appointment, rank, category, prerogatives,  
34 salary grade and salaries, allowances, emoluments and other  
35 privileges, shall be subject to the same inhibitions and

1 disqualifications, and shall enjoy the same retirement and other  
2 benefits as those of a Judge of the Regional Trial Court.

3 Prosecutors with the rank of Prosecutor III shall have the same  
4 qualifications for appointment, rank, category, privileges, salary  
5 grade and salaries, allowances, emoluments and other  
6 privileges, shall be subject to the same inhibitions and  
7 disqualifications, and shall enjoy the same retirement and other  
8 benefits as those of a Judge of the Metropolitan Trial Court.

9 Any increase after the approval of this Act in the salaries,  
10 allowances or retirement benefits or any upgrading of the  
11 grades or levels thereof of any or all of the Justices or Judges  
12 referred to herein to whom said emoluments are assimilated  
13 shall apply to the corresponding prosecutors.

14 All the above prosecutors shall be selected from among qualified  
15 and professionally trained members of the legal profession who  
16 are of proven integrity and competence. They shall be appointed  
17 by the President of the Philippines upon recommendation of the  
18 Secretary of Justice and shall serve until they reach the age of  
19 sixty-five (65) years old: *Provided, however,* That the ages of  
20 "seventy years" and "sixty-five years" and the years of service  
21 "twenty years" provided in Republic Act No, 910, as amended,  
22 and other retirement laws for judges shall be understood as  
23 "sixty-five years" and "sixty years," and "fifteen years,"  
24 respectively, when applied to prosecutors.

25 A prosecution attorney or special counsel shall be a member of  
26 the bar in good standing and shall have a salary under Salary  
27 Grade 26. Such prosecution officer shall be appointed by the  
28 Secretary of Justice: *Provided, however,* That with respect to a  
29 special counsel, his/her appointment shall be upon the  
30 recommendation of the provincial governor or city mayor and  
31 with the endorsement of the provincial prosecutor or city  
32 prosecutor, as the case may be.

33 Subject to Section 20 hereof, the salaries and allowances of  
34 regional, provincial and city prosecutors and their assistants,  
35 and the members of the prosecution staff, including prosecution  
36 attorneys, shall be paid entirely out of national funds and  
37 included in the annual appropriations of the DOJ: *Provided,*  
38 *however,* that this provision is without prejudice to the grant of  
39 allowances to the above-mentioned prosecutors by their  
40 respective local governments in amounts not exceeding fifty



1 percent (50%) of their basic salaries: *Provided, further,* That the  
2 whole of the allowances or portion thereof, whether granted by  
3 the national or local government, shall be exempt from income  
4 tax.

5 The salaries, allowances and other emoluments herein fixed  
6 shall not apply to officers other than those of prosecutors in the  
7 National Prosecution Service, notwithstanding any provisions of  
8 law assimilating the salaries of other officers to those herein  
9 mentioned.

10 **SEC 3. *Funding.*** – The Department of Justice (DOJ) shall include in  
11 its programs the immediate implementation of this Act. The funding  
12 requirements for the corresponding salary adjustments herein shall be  
13 included in the General Appropriations Act. The Department of Budget and  
14 Management (DBM) shall immediately issue the corresponding Notice of  
15 Organization, Staffing and Compensation Action (NOSCA) and release the  
16 consequent funds.

17 **SEC 4. *Separability Clause.*** – If, for any reason, a portion of this Act  
18 is declared unconstitutional or invalid, the same shall not affect the validity  
19 of the other provisions not affected thereby.

20 **SEC 5. *Repealing Clause.*** – All laws, decrees, executive orders,  
21 issuances, rules and regulations or parts thereof inconsistent with this Act  
22 are hereby repealed or modified accordingly.

23 **SEC 6. *Effectivity.*** – This Act shall take effect fifteen (15) days after  
24 its publication in at least two (2) newspapers of general circulation.

*Approved,*