

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

7 JUN 30 P 4 2006

RECEIVED BY: 

SENATE

Senate Bill No. 261

Introduced by Senator FRANCIS N. PANGILINAN

EXPLANATORY NOTE

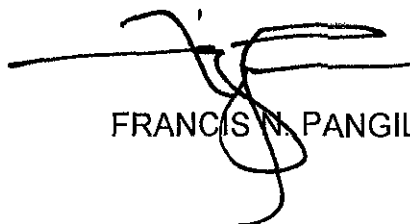
The role of the National Prosecution Service in the Criminal Justice System is two-fold: (1) to investigate allegations that a crime has been committed; and (2) to prosecute all cases involving violations of penal laws. It is a quasi-judicial organization expected to deal with fair execution of laws.

Given the sensitive and delicate nature of their work, prosecutors are expected to serve the public with utmost responsibility, integrity and honesty. Their failure to do so will result in the collapse not just of the entire criminal justice system, but the very foundation upon which our society is based. Democracy will not fully blossom unless the rule of law is put in place.

To ensure the rule of law, it is essential that the Prosecution Service is backed-up by the trust of the people. This bill seeks to do so by strengthening the independence of the National Prosecution Services – free from interference of politicians, high-ranking government officials and businessmen. The independent spirit of the judicial body shall be applied to the Prosecution Service in order to better bring about precise fact-finding investigation and righteousness through fair execution of laws. It is high time that Prosecutors reaffirm their role as humble public servants working for public interest, and erase the public perception that they are strong to the weak and weak to the strong.

The author is confident that this bill will, in the end, strengthen public trust toward the Prosecution Service and, in the process, help advance democracy in the Philippines.

It is for these reasons that approval of this bill is earnestly sought.




FRANCIS N. PANGILINAN

FOURTEENTH CONGRESS OF THE REPUBLIC)
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SENATE BILL No. **261**

Introduced by SENATOR FRANCIS N. PANGILINAN

AN ACT
CONSTITUTING THE NATIONAL PROSECUTION SERVICE INTO AN
AUTONOMOUS OFFICE OF THE PROSECUTOR GENERAL AND FOR
OTHER PURPOSES

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

1 SECTION 1. *Title.* - This Act shall be known as the "Prosecution Service
2 Autonomy Act."

3 SEC. 2. *Scope.* - The Constituent offices herein covered shall include the
4 prosecution staff and the regional, provincial and city prosecution offices under the
5 Office of the Secretary of Justice, that thereto compose the national prosecution
6 service.

7 SEC. 3. *Constitution and Function of the Office of the Prosecutor General.* - The
8 national prosecution service is hereby constituted into an autonomous Office of the
9 Prosecutor General which shall be composed of the Prosecution Staff and the Office of
10 the Provincial Prosecutor in each of the provinces and the Office of the City Prosecutor
11 in each of the cities and shall be attached to the Department of Justice for budgetary
12 purposes. The provisions of any law to the contrary notwithstanding and with the
13 exception of cases within the original jurisdiction of the Sandiganbayan, the Office of the
14 Prosecutor General shall be primarily responsible for the preliminary investigation and
15 prosecution of all complaints involving violations of penal laws. The Office of the
16 Prosecutor General shall also perform such other functions as are now vested in the
17 National Prosecution Service or may hereafter be assigned to said Office by law.

1 SEC. 4. *The Prosecutor General.* – The Office of the Prosecutor General shall
2 be headed by the Prosecutor General who shall have supervision and control over the
3 prosecution staff and the Offices of the Provincial Prosecutor and the Offices of the City
4 Prosecutor and their support staffs. Such power vested in the Prosecutor General
5 includes the authority to act directly on any matter involving national security or
6 probable miscarriage of justice within the jurisdiction of the prosecution staff, the
7 provincial prosecutor in each of the provinces and the city prosecutor in each of the
8 cities, and to review, reverse or modify any resolution or action of any prosecutor of said
9 staff or any provincial prosecutor or city prosecutor.

10 SEC. 5. *The Prosecution Staff.* – The Prosecutor General shall be assisted by
11 the Prosecution Staff which shall be composed of the following:

- 12 (a) Five - Deputy Prosecutors General
- 13 (b) Sixteen - Senior Associate State Prosecutors
- 14 (c) Forty - Associate State Prosecutors
- 15 (d) One Hundred - Senior Assistant State Prosecutors
- 16 (e) Ten - Prosecuting Attorneys

17 The Prosecution Staff shall consist of : (1) a Review Division; (2) an Investigation
18 Division; (3) a Prosecution Division; (4) an Administrative Cases Division; (5) a Records
19 and Planning Division. The Chief of each division shall be a Deputy Prosecutor
20 General.

21 The Prosecution Staff, which shall be directly under the control and supervision
22 of the Prosecutor General, shall have the following functions:

- 23 1. Review resolutions of prosecutors and other prosecution officers, that are
24 appealed to the Prosecutor General;
- 25 2. Conduct the preliminary investigation and/or prosecution of criminal cases
26 involving national security, those for which task forces have been created,
27 and criminal cases whose venues are transferred to avoid miscarriage of
28 justice, all when so directed by the Prosecutor General in the interest of
29 justice or the public service;

- 1 3. Act as counsel for the People of the Philippines in any case involving or
- 2 arising from a criminal complain investigated by any of its prosecutors and
- 3 pending before any trial court;
- 4 4. Investigate administrative charges against prosecutors, other prosecution
- 5 officers and members of their support staff;
- 6 5. Prepare legal opinions on queries involving violations of the Revised
- 7 Penal Code and special penal laws; and
- 8 6. Monitor all criminal cases filed with the Office of the Prosecutor General;
- 9 maintain an updated record of the status of each case, and adopt such
- 10 systems and procedures as will expedite the monitoring and disposition of
- 11 cases.

12 The Deputy Prosecutors General shall act as a Board to screen applicants for

13 appointment or promotion to any prosecutorial position in the Office of the Prosecutor

14 General. The Provincial Prosecutor or City Prosecutor shall sit as a member of the

15 Board whenever it considers applicants for positions in his office. The most senior

16 Deputy Prosecutor General shall be the Chairperson of the Board.

17 SEC. 6. *Office of the Provincial/City Prosecutor.* – There shall be in each

18 province or city a provincial prosecutor or city prosecutor, as the case may be, who shall

19 be assisted by deputy provincial prosecutor or deputy city prosecutor and such number

20 of associate and assistant prosecutors as provided for hereinafter: *Provided, however,*

21 That whenever a new province or city is created, it shall have a provincial prosecutor or

22 city prosecutor, a deputy provincial prosecutor or deputy city prosecutor and such

23 number of associate and assistant prosecutors as there are court branches therein at

24 the ratio of two (2) prosecutors for each branch of regional trial court, one (1) prosecutor

25 for each branch of metropolitan trial court or municipal trial court, whether in cities or

26 municipalities, and one (1) prosecutor for every two (2) municipal circuit trial courts.

27 The associate and assistant prosecutors for the new province or city may be appointed

28 from qualified applicants, or taken from the office of the Provincial Prosecutor or Office

29 of the City Prosecutor of the mother province or city, using as a basis the ration

1 between court branches and prosecutors mentioned above: *Provided, further,* That
2 when all or almost all of the Regional Trial Court branches are seated in the city, the
3 number of prosecutors for the city shall be proportional to the territorial jurisdiction
4 covered by the courts.

5 When the exigencies of the service so require, a province or city may create
6 positions for special counsels whose salaries and other emoluments shall come
7 exclusively from local funds.

8 **SEC. 7. Powers and Functions of the Provincial Prosecutor or City Prosecutor. -**

9 The provincial prosecutor or the city prosecutor shall: (a) be the law officer of the
10 province or city, as the case may be; (b) investigate and/or cause to be investigated all
11 charges of crimes, misdemeanors and violations of all penal laws and ordinances within
12 their respective jurisdictions and have the necessary information or complaint prepared
13 or made against the persons accused; (c) have charge of the prosecution of all crimes,
14 misdemeanors and violations of city or municipal ordinances in the courts of such
15 province and city and therein discharge all the duties incident to the institution of
16 criminal prosecutions, subject to the provisions of SECTION 5 (2).

17 **SEC. 8. Office of the Provincial Prosecutor: Number of Prosecutors in Each**
18 **Province. -** There shall be in each of the following provinces the corresponding number
19 of provincial prosecutor and his deputies, associates and assistants:

- 20 a. Bulacan : (56)
21 One Provincial Prosecutor
22 Two Deputy Provincial Prosecutors
23 Twenty-Three Associate Provincial Prosecutors
24 Thirty Senior Assistant Provincial Prosecutors
25 b. Camarines Sur : (49)
26 One Provincial Prosecutor
27 Two Deputy Provincial Prosecutors
28 Twenty Associate Provincial Prosecutors
29 Twenty-Six Senior Assistant Provincial Prosecutors

- 1 c. Pangasinan : (44)
- 2 One Provincial Prosecutor
- 3 Two Deputy Provincial Prosecutors
- 4 Eighteen Associate Provincial Prosecutors
- 5 Twenty-Three Senior Assistant Provincial Prosecutors
- 6 d. Leyte : (42)
- 7 One Provincial Prosecutor
- 8 Two Deputy Provincial Prosecutors
- 9 Seventeen Associate Provincial Prosecutors
- 10 Twenty-Two Senior Assistant Provincial Prosecutors
- 11 e. Rizal : (41)
- 12 One Provincial Prosecutor
- 13 Two Deputy Provincial Prosecutors
- 14 Seventeen Associate Provincial Prosecutors
- 15 Twenty-Two Senior Assistant Provincial Prosecutors
- 16 f. Quezon : (37)
- 17 One Provincial Prosecutor
- 18 Two Deputy Provincial Prosecutors
- 19 Fifteen Associate Provincial Prosecutors
- 20 Nineteen Senior Assistant Provincial Prosecutors
- 21 g. Cagayan; Nueva Ecija; Laguna; Batangas: (33)
- 22 One Provincial Prosecutor
- 23 Two Deputy Provincial Prosecutors
- 24 Thirteen Associate Provincial Prosecutors
- 25 Seventeen Senior Assistant Provincial Prosecutors
- 26 h. Cebu : (31)
- 27 One Provincial Prosecutor
- 28 Two Deputy Provincial Prosecutors
- 29 Twelve Associate Provincial Prosecutors

- 1 Sixteen Senior Assistant Provincial Prosecutors
- 2 i. Pampanga : (29)
- 3 One Provincial Prosecutor
- 4 Two Deputy Provincial Prosecutors
- 5 Twelve Senior Associate Provincial Prosecutors
- 6 Fifteen Assistant Provincial Prosecutors
- 7 j. La Union : (28)
- 8 One Provincial Prosecutor
- 9 Two Deputy Provincial Prosecutors
- 10 Eleven Senior Assistant Provincial Prosecutors
- 11 Fifteen Assistant Provincial Prosecutors
- 12 k. Cavite : (26)
- 13 One Provincial Prosecutor
- 14 Two Deputy Provincial Prosecutors
- 15 Ten Senior Assistant Provincial Prosecutors
- 16 Fourteen Assistant Provincial Prosecutors
- 17 l. Isabela : (25)
- 18 One Provincial Prosecutor
- 19 Two Deputy Provincial Prosecutors
- 20 Ten Senior Assistant Provincial Prosecutors
- 21 Thirteen Assistant Provincial Prosecutors
- 22 m. Iloilo: (24)
- 23 One Provincial Prosecutor
- 24 Two Deputy Provincial Prosecutors
- 25 Ten Senior Assistant Provincial Prosecutors
- 26 Twelve Assistant Provincial Prosecutors
- 27 n. Benguet; Northern Samar, Aklan: (22)
- 28 One Provincial Prosecutor
- 29 Two Deputy Provincial Prosecutors

- 1 Nine Senior Assistant Provincial Prosecutors
- 2 Eleven Assistant Provincial Prosecutors
- 3 o. Samar; Bohol : (21)
- 4 One Provincial Prosecutor
- 5 Two Deputy Provincial Prosecutors
- 6 Eight Senior Assistant Provincial Prosecutors
- 7 Eleven Assistant Provincial Prosecutors
- 8 p. Ilocos Sur; Eastern Samar : (20)
- 9 One Provincial Prosecutor
- 10 Two Deputy Provincial Prosecutors
- 11 Eight Senior Provincial Prosecutors
- 12 Ten Assistant Provincial Prosecutors
- 13 q. Ilocos Norte; Camarines Norte; Misamis Oriental : (19)
- 14 One Provincial Prosecutor
- 15 Two Deputy Provincial Prosecutors
- 16 Seven Senior Provincial Prosecutors
- 17 Nine Assistant Provincial Prosecutors
- 18 r. Nueva Viscaya : (18)
- 19 One Provincial Prosecutor
- 20 Two Deputy Provincial Prosecutors
- 21 Seven Senior Assistant Provincial Prosecutors
- 22 Nine Assistant Provincial Prosecutors
- 23 s. Zamboanga Del Sur : (16)
- 24 One Provincial Prosecutor
- 25 Two Deputy Provincial Prosecutors
- 26 Six Senior Assistant Provincial Prosecutors
- 27 Eight Assistant Provincial Prosecutors
- 28 t. Mindoro Oriental; Zamboanga Del Norte : (15)
- 29 One Provincial Prosecutor

- 1 Two Deputy Provincial Prosecutors
- 2 Six Senior Assistant Provincial Prosecutors
- 3 Seven Assistant Provincial Prosecutors
- 4 u. Sorsogon; Masbate; Antique : (14)
- 5 One Provincial Prosecutor
- 6 Two Deputy Provincial Prosecutors
- 7 Six Senior Assistant Provincial Prosecutors
- 8 Thirty Senior Assistant Provincial Prosecutors
- 9 v. Abra; Negros Oriental; Davao Oriental; North Cotabato; Sulu : (13)
- 10 One Provincial Prosecutor
- 11 Two Deputy Provincial Prosecutors
- 12 Five Senior Assistant Provincial Prosecutors
- 13 Six Assistant Provincial Prosecutors
- 14 w. Tarlac; Bataan; Zambales; Palawan; Albay; Negros Occidental;
- 15 Surigao Del Sur; Lanao Del Norte: (12)
- 16 One Provincial Prosecutor
- 17 Two Deputy Provincial Prosecutors
- 18 Five Senior Assistant Provincial Prosecutors
- 19 Five Assistant Provincial Prosecutors
- 20 x. Mindoro Occidental; Capiz; Southern Leyte; Tawi-Tawi: (11)
- 21 One Provincial Prosecutor
- 22 Two Deputy Provincial Prosecutors
- 23 Four Senior Assistant Provincial Prosecutors
- 24 Five Assistant Provincial Prosecutors
- 25 y. Marinduque; Surigao Del Norte: (10)
- 26 One Provincial Prosecutor
- 27 Two Deputy Provincial Prosecutors
- 28 Four Senior Assistant Provincial Prosecutors
- 29 Four Assistant Provincial Prosecutors

- 1 z. Quirino; Davao Del Sur; Lanao Del Sur : (9)
2 One Provincial Prosecutor
3 Two Deputy Provincial Prosecutors
4 Three Senior Assistant Provincial Prosecutors
5 Four Assistant Provincial Prosecutors
- 6 aa. Mt. Province; Ifugao; Romblon; Catanduanes; Agusal Del Norte
7 South Cotabato: (8)
8 One Provincial Prosecutor
9 Two Deputy Provincial Prosecutors
10 Three Senior Assistant Provincial Prosecutors
11 Three Assistant Provincial Prosecutors
- 12 bb. Biliran; Bukidnon; Misamis Occidental; Compostela Valley;
13 Agusan Del Sur; Sultan Kudarat : (7)
14 One Provincial Prosecutor
15 Two Deputy Provincial Prosecutors
16 Two Senior Assistant Provincial Prosecutors
17 Three Assistant Provincial Prosecutors
- 18 cc. Aurora; Zamboanga Sibugay; Maguindanao: (6)
19 One Provincial Prosecutor
20 Two Deputy Provincial Prosecutors
21 Two Senior Assistant Provincial Prosecutors
22 Two Assistant Provincial Prosecutors
- 23 dd. Batanes; Davao Del Norte; Sarangani : (5)
24 One Provincial Prosecutor
25 Two Deputy Provincial Prosecutors
26 One Senior Assistant Provincial Prosecutors
27 Two Assistant Provincial Prosecutors
- 28 ee. Kalinga; Apayao; Camiguin : (56)
29 One Provincial Prosecutor

- 1 Two Deputy Provincial Prosecutors
- 2 One Senior Assistant Provincial Prosecutor
- 3 One Assistant Provincial Prosecutor
- 4 ff. Guimaras; Siquijor; Basifan : (3)
- 5 One Provincial Prosecutor
- 6 One Deputy Provincial Prosecutor
- 7 One Assistant Provincial Prosecutor

8 After the approval of this Act, there shall be in each province one deputy
9 provincial prosecutor for every thirty prosecutors or a fraction thereof.

10 *SEC. 9. Office of the City Prosecutor: Number of Prosecutors in Each City. -*

11 There shall be in each of the following cities the corresponding number of city
12 prosecutor and his deputies, associates and assistants:

- 13 a. Manila : (178)
- 14 One City Prosecutor
- 15 Five Deputy City Prosecutors
- 16 Seventy-Four Associate City Prosecutors
- 17 Ninety-eight Senior Assistant City Prosecutors
- 18 b. Quezon City : (109)
- 19 One City Prosecutor
- 20 Three Deputy City Prosecutors
- 21 Forty-Six Associate City Prosecutors
- 22 Fifty-Nine Senior Assistant City Prosecutors
- 23 c. Makati : (107)
- 24 One City Prosecutor
- 25 Three Deputy City Prosecutors
- 26 Forty-Six Associate City Prosecutors
- 27 Fifty-Seven Senior Assistant City Prosecutors
- 28 d. Cebu : (42)
- 29 One City Prosecutor

- 1 Two Deputy City Prosecutors
- 2 Seventeen Associate City Prosecutors
- 3 Twenty-Two Senior Assistant City Prosecutors
- 4 e. Iloilo : (39)
- 5 One City Prosecutor
- 6 Two Deputy City Prosecutors
- 7 Sixteen Associate City Prosecutors
- 8 Twenty Senior Assistant City Prosecutors
- 9 f. Pasig : (35)
- 10 One City Prosecutor
- 11 Two Deputy City Prosecutors
- 12 Fourteen Associate City Prosecutors
- 13 Eighteen Senior Assistant City Prosecutors
- 14 g. Cagayan De Oro : (33)
- 15 One City Prosecutor
- 16 Two Deputy City Prosecutors
- 17 Thirteen Associate City Prosecutors
- 18 Seventeen Senior Assistant City Prosecutors
- 19 h. Caloocan; Pasay : (31)
- 20 One City Prosecutor
- 21 Two Deputy City Prosecutors
- 22 Twelve Associate City Prosecutors
- 23 Sixteen Senior Assistant City Prosecutors
- 24 i. Davao : (29)
- 25 One City Prosecutor
- 26 Two Deputy City Prosecutors
- 27 Twelve Associate City Prosecutors
- 28 Fifteen Senior Assistant City Prosecutors
- 29 j. Bacolod : (178)

- 1 One City Prosecutor
- 2 Two Deputy City Prosecutors
- 3 Ten Associate City Prosecutors
- 4 Twelve Senior Assistant City Prosecutors
- 5 k. Las Piñas : (21)
- 6 One City Prosecutor
- 7 One Deputy City Prosecutor
- 8 Eight Associate City Prosecutors
- 9 Eleven Senior Assistant City Prosecutors
- 10 l. Marikina; Parañaque : (18)
- 11 One City Prosecutor
- 12 One Deputy City Prosecutor
- 13 Seven Associate City Prosecutors
- 14 Nine Senior Assistant City Prosecutors
- 15 m. Mandaluyong; Zamboanga : (16)
- 16 One City Prosecutor
- 17 One Deputy City Prosecutor
- 18 Six Associate City Prosecutors
- 19 Eight Senior Assistant City Prosecutors
- 20 n. Baguio; Muntinlupa; Taguig : (15)
- 21 One City Prosecutor
- 22 One Deputy City Prosecutor
- 23 Six Associate City Prosecutors
- 24 Seven Senior Assistant City Prosecutors
- 25 o. Olongapo : (14)
- 26 One City Prosecutor
- 27 One Deputy City Prosecutor
- 28 Six Associate City Prosecutors
- 29 Six Senior Assistant City Prosecutors

- 1 p. Malabon : (13)
2 One City Prosecutor
3 One Deputy City Prosecutor
4 Five Associate City Prosecutors
5 Six Senior Assistant City Prosecutors
- 6 q. Antipolo : (10)
7 One City Prosecutor
8 One Deputy City Prosecutor
9 Four Associate City Prosecutors
10 Four Senior Assistant City Prosecutors
- 11 r. Valenzuela : (8)
12 One City Prosecutor
13 One Deputy City Prosecutor
14 Three Associate City Prosecutors
15 Three Senior Assistant City Prosecutors
- 16 s. Dagupan; Cabanatuan; Malolos; San Fernando (Pampanga);
17 Batangas; Naga; Legaspi; Dumaguete : (20)
18 One City Prosecutor
19 One Deputy City Prosecutor
20 Eight Associate City Prosecutors
21 Ten Assistant City Prosecutors
- 22 t. Tuguegarao; Angeles; Lucena; Roxas; Tagbilaran; Iligan; Butuan : (15)
23 One City Prosecutor
24 One Deputy City Prosecutor
25 Six Senior Assistant City Prosecutors
26 Seven Assistant City Prosecutors
- 27 u. General Santos : (13)
28 One City Prosecutor
29 One Deputy City Prosecutor

- 1 Five Senior Assistant City Prosecutors
- 2 Six Assistant City Prosecutors
- 3 v. Tacloban : (12)
- 4 One City Prosecutor
- 5 One Deputy City Prosecutor
- 6 Five Senior Assistant City Prosecutors
- 7 Five Assistant City Prosecutors
- 8 w. Laoag; San Fernando (La Union); San Pablo; Calamba; Puerto Princesa;
- 9 Iriga, Mandaue; Pagadian; Dipolog : (10)
- 10 One City Prosecutor
- 11 One Deputy City Prosecutors
- 12 Four Senior Assistant City Prosecutors
- 13 Four Assistant City Prosecutors
- 14 x. Tabacco : (9)
- 15 One City Prosecutor
- 16 One Deputy City Prosecutor
- 17 Three Senior Assistant City Prosecutors
- 18 Four Assistant City Prosecutors
- 19 y. Santiago; Sorsogon; Oroquieta : (8)
- 20 One City Prosecutor
- 21 One Deputy City Prosecutor
- 22 Three Senior Assistant City Prosecutors
- 23 Three Assistant City Prosecutors
- 24 z. Urdaneta; Tarlac; Gapan; Cavite; Lipa; Ligao; Masbate; Lapu-Lapu;
- 25 Tagum; Marawi : (7)
- 26 One City Prosecutor
- 27 One Deputy City Prosecutor
- 28 Two Senior Assistant City Prosecutors
- 29 Three Assistant City Prosecutors

- 1 aa. San Jose; Cotabao; Surigao; Ozamis : (6)
- 2 One City Prosecutor
- 3 One Deputy City Prosecutor
- 4 Two Senior Assistant City Prosecutors
- 5 Two Assistant City Prosecutors
- 6 bb. Vigan; San Jose Del Monte; Tanauan; San Carlos (Negros Occidental);
- 7 Talisay (Negros Occidental); Victorias; Toledo; Calbayog; Ormoc;
- 8 Malaybalay; Ginggoog; Koronadal; Kidapawan : (5)
- 9 One City Prosecutor
- 10 One Deputy City Prosecutor
- 11 One Senior Assistant City Prosecutors
- 12 Two Assistant City Prosecutors
- 13 cc. San Carlos (Pangasinan); Alaminos; Cauayan; Balanga; Calapan; Bais;
- 14 Tangub; Digos; Samal : (4)
- 15 One City Prosecutor
- 16 One Deputy City Prosecutor
- 17 One Senior Assistant City Prosecutor
- 18 One Assistant City Prosecutor
- 19 dd. Candon; Palayan' Munoz; Sta. Rosa; Tagaytay; Trece Martirez; Passi;
- 20 Bago; Cadiz; Escalante; Himamaylan; Kabankalan; La Carlota; Sagay;
- 21 Silay; Sipalay; Bayawan; Canlaon; Danao; Talisay (Cebu), Tanjay;
- 22 Maasin; Dapitan; Isabela; Valencia; Panabo; Tacurong; Bislig : (3)
- 23 One City Prosecutor
- 24 Five Deputy City Prosecutors
- 25 Seventy-Four Associate City Prosecutors
- 26 Ninety-eight Senior Assistant City Prosecutors
- 27 a. Manila : (178)
- 28 One City Prosecutor
- 29 One Deputy City Prosecutor

1 One Assistant City Prosecutor

2 After the approval of this Act, there shall be in each city one deputy city
3 prosecutor for every thirty prosecutors or a fraction thereof.

4 SEC. 10. *Realignment of Position Items.* – *When new cities are created and*
5 *court branches seats are realigned or redistributed, the Prosecutor General shall*
6 *correspondingly realign position items or prosecutors to the new cities from the*
7 *provinces where the cities are located, without prejudice to the provisions of SECTION*
8 *11 hereof.*

9 SEC. 11. *Automatic Increase of Positions of Prosecutors.* - *Whenever new*
10 *courts or branches thereof are created in a province or city, there shall be in such*
11 *province or city automatically created positions of associate and assistant prosecutors*
12 *in such number determined pursuant to the ratio established in SECTION 6 hereof:*
13 *Provided, however, That if the branches of a regional trial court shall be seated at a city*
14 *outside of Metropolitan Manila, the number of positions shall be distributed between the*
15 *city and the province where the city is located according to the territorial jurisdiction*
16 *covered by such branch.*

17 SEC. 12. *Qualification, Rank and Appointment of the Prosecutor General.* - *The*
18 *Prosecutor General shall have the same qualification, rank, prerogatives and privileges*
19 *as those of the Presiding Justice of the Court of Appeals and shall be appointed by the*
20 *President.*

21 SEC. 13. *Ranks of Prosecutors.* – *The prosecutors in the Office of the*
22 *Prosecutor General shall have the following ranks:*

<u>RANKS</u>	<u>DESIGNATION</u>
Prosecutor V	1. Deputy Prosecutors General; and 2. Provincial Prosecutors or City Prosecutors of Provinces or cities with at least thirty prosecutors, And City Prosecutors of highly urbanized cities.
Prosecutor IV	1. Senior Associate Prosecutors; 2. Provincial Prosecutors or City Prosecutors of

- 1 Provinces or cities with less than thirty prosecutor; and
- 2 3. Deputy Provincial Prosecutors or Deputy City
- 3 Prosecutors of provinces or cities with at least thirty
- 4 prosecutors, and Deputy City Prosecutors of highly
- 5 urbanized cities.
- 6 Prosecutor III 1. Associate State Prosecutors;
- 7 2. Deputy Provincial Prosecutors or Deputy city
- 8 Prosecutors of provinces or cities with less than thirty
- 9 prosecutors; and
- 10 3. Associate Provincial Prosecutors or Associate City
- 11 Prosecutors of a provinces or cities with at least thirty
- 12 prosecutors, and Associate City Prosecutors of highly
- 13 urbanized cities.
- 14 Prosecutor II 1. Senior Assistant State Prosecutors;
- 15 2. Associate Provincial Prosecutors or Associate City
- 16 Prosecutors of provinces or cities with less than thirty
- 17 prosecutors; and
- 18 3. Senior Assistant Provincial Prosecutors or Senior
- 19 Assistant City Prosecutors of provinces or cities with
- 20 at least thirty prosecutors, and Senior Assistant City
- 21 Prosecutor of highly urbanized cities.
- 22 Prosecutor I 1. Assistant Provincial Prosecutors or Assistant City
- 23 Prosecutors of provinces or cities with less than thirty
- 24 prosecutors.

25 SEC. 14. *Qualifications and Appointments of Prosecutors and Other Prosecution*

26 *Officers.* – Prosecutors with the rank of Prosecutor V shall have the same qualification,

27 salary grade, prerogatives and privileges as those of an associate justice of the Court of

28 Appeals.

1 Prosecutors with the rank of Prosecutor IV shall have the same qualification,
2 salary grade, prerogative and privileges as those of a judge of the regional trial court.

3 Prosecutor with the rank of Prosecutor III shall have the same qualification,
4 salary grade. Prerogative and privileges as those of a judge of the metropolitan trial
5 court.

6 Prosecutors with the rank of Prosecutor II shall have the same qualification,
7 salary grade, prerogative and privileges as those of a judge of the municipal trial court.

8 Prosecutors with the rank of Prosecutor I shall have the same qualification,
9 prerogative and privileges as those of a judge of the *municipal circuit trial court and*
10 salary one grade lower than that of Prosecutor II.

11 All the above prosecutors shall be appointed by the President upon the
12 recommendation of the Prosecutor General.

13 A prosecuting attorney or special counsel shall be a member of the bar in good
14 standing and shall have a salary grade ranging from Grade 23 to Grade 25. Such
15 prosecution officer shall be appointed by the Prosecutor General; *Provided, however,*
16 That with respect to a special counsel, his appointment shall be upon the
17 recommendation of the provincial governor or city mayor and with the endorsement of
18 the provincial prosecutor or city prosecutor, as the case may be.

19 SEC. 15. *Continuation of Functions of Prosecutors.* – Upon approval of this Act,
20 the prosecuting officers, including the prosecuting attorneys, in the present prosecution
21 staff shall continue to discharge the functions under this Act, and the position title Chief
22 State Prosecutor and Assistant Chief State Prosecutors are respectively renamed
23 Prosecutor General and Deputy Prosecutors General.

24 All prosecutors who have the rank of Prosecutor III and Prosecutor II in the
25 existing prosecution staff shall be called associate state prosecutors and senior
26 assistant state prosecutors, respectively, under this Act.

27 The provincial or city prosecution office established in each of the provinces and
28 cities pursuant law is retained and renamed Office of Provincial Prosecutor or office of
29 the City Prosecutor, as the case may be.

1 All provincial prosecutor and city prosecutors and their assistants shall continue
2 to discharge their functions under this Act.

3 All assistant prosecutors who have the rank of Prosecutor III, Prosecutor II and
4 Prosecutor I in each of the existing provincial and city prosecution offices shall be
5 known by the designation provided in SECTION 13 hereof.

6 All regional state prosecution offices are hereby abolished, and all regional state
7 prosecutors shall be transferred to the Prosecution Staff in the Office of the Prosecutor
8 General and shall be known as senior associate state prosecutor.

9 All Assistant regional state prosecutors shall be transferred to the Office of the
10 Provincial Prosecutor or Office of the City Prosecutor within the region as the number of
11 court branches may require. Upon their transfer, they shall be known by the
12 designation provided under SECTION 13 hereof according to their rank.

13 SEC. 16. *No Undermining of Security of Tenure.* – Nothing in this Act shall be
14 construed to allow the transfer, except as provided herein or in cases of temporary
15 assignment, of any prosecutor to any place or station without his or her written consent,
16 or to undermine the security of tenure of incumbent prosecutors as provided in the laws.

17 SEC. 17. *Transitory Provisions.* – Upon the approval of this Act, the President
18 shall issue the necessary letter of implementation specifying the details carrying out the
19 constitution of the national prosecution service into an autonomous Office of Prosecutor
20 General.

21 The pertinent functions, applicable appropriations, records, equipment, property,
22 and such clerical and subordinate personnel as may be necessary shall remain or be
23 transferred to the appropriate staff or offices.

24 SEC. 18. *Appropriation.* – There is hereby appropriated initially the sum of Fifty
25 Million Pesos (P50,000,000.00) from the funds of the National Treasury not otherwise
26 appropriated for the organization and operational expenses of the Office of the
27 Prosecutor General for a period of one (1) year from the effectivity of this Act.
28 Thereafter, the said amount shall be included in the annual appropriation act.

1 SEC. 19. *Repeal.* – All acts, laws, decrees, executive orders, letters of
2 instructions and regulations or any part thereof which are inconsistent with any provision
3 of this Act are hereby repealed and/or modified accordingly.

4 SEC. 20. *Separability Clause.* – If for any reason, any section or provision of this
5 Act is declared to be unconstitutional or invalid, the other sections or provisions of this
6 Act which are not effected thereby shall continue in full force and effect.

7 SEC. 21. *Effectivity.* – This Act shall take effect fifteen (15) days following its
8 publication in at least two (2) newspapers of general circulation or in the Official
9 Gazette.

10 Approved.