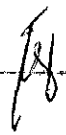


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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SENATE

Senate Bill No. 2659

Prepared and Submitted jointly by the Committees on Justice and Human Rights; Civil Service and Government Reorganization and Finance with Senators Angara, Pangilinan, Ejercito Estrada, Revilla Jr., Enrile , Villar , Trillanes IV, Lacson and Escudero as authors thereof

AN ACT
CONSTITUTING THE NATIONAL PROSECUTION SERVICE INTO AN
AUTONOMOUS OFFICE TO BE KNOWN AS THE OFFICE OF THE
PROSECUTOR GENERAL

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

1 SECTION 1. *Title.* - This Act shall be known as the "*Prosecution Service Act of 2008.*"

2 SECTION 2. *Scope.* - The Constituent offices herein covered shall include the
3 Prosecution Staff and the Regional, Provincial and City Prosecution Offices under the
4 Office of the Secretary of Justice, that thereto compose the National Prosecution Service.

5 SECTION 3. *Constitution and Function of the Office of the Prosecutor General.* - The
6 National Prosecution Service is hereby constituted into the Office of the Prosecutor
7 General which shall be composed of the Prosecution Staff, the Office of the Regional
8 Prosecutor in each of the regions, the Office of the Provincial Prosecutor in each of the
9 provinces, and the Office of the City Prosecutor in each of the cities, which shall be
10 attached to the Department of Justice for budgetary purposes only. The provisions of any
11 law to the contrary notwithstanding and with the exception of cases within the original

1 jurisdiction of the Sandiganbayan, the Office of the Prosecutor General shall be primarily
2 responsible for the preliminary investigation and prosecution of all complaints involving
3 violations of penal laws. The Office of the Prosecutor General shall also perform such
4 other functions as are now vested in the National Prosecution Service or may hereafter be
5 assigned to said office by law.

6 **SECTION 4. *The Prosecutor General.*** - The Office of the Prosecutor General shall be
7 headed by the Prosecutor General who shall have supervision and control over the
8 Prosecution Staff, the Offices of the Regional Prosecutor, Provincial Prosecutor and City
9 Prosecutor and their support staff. Such power vested in the Prosecution General shall
0 include the authority to act directly on any matter involving national security or probable
1 miscarriage of justice within the jurisdiction of the Prosecution Staff, the Regional
2 Prosecutor in each regions, the Provincial Prosecutor in each of the provinces and the City
3 Prosecutor in each of the cities, and to review, reverse or modify any resolution or action
4 of any prosecutor of said Prosecution Staff or any Regional, Provincial or City Prosecutor.

5 **SECTION 5. *The Prosecution Staff.*** - The Prosecutor General shall be assisted by the
6 Prosecution Staff which shall be composed of the following:

- 7 a. Five (5) - Deputy Prosecutors General;
- 8 b. Twenty (20) - Senior Associate State Prosecutors;
- 9 c. Twenty (20) - Associate State Prosecutors;
- 10 d. Ninety (90) - Senior Assistant State Prosecutors; and
- 11 e. Ten (10) - Prosecution Attorneys.

12 The Prosecution Staff shall consist of: (1) a Review Division; (2) an Investigation
13 Division; (3) a Prosecution Division; (4) an Administrative Cases Division; (5) a Records

1 and Planning Division. The Chief of each division shall be a Deputy Prosecutor General.

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

4 a. Review resolutions of prosecutors and other prosecution officers that are
5 appealed to the Prosecutor General;

6 b. Conduct the preliminary investigation and/or prosecution of criminal
7 cases involving national security, those for which task forces have been created,
8 and criminal cases whose venues are transferred to avoid miscarriage of justice, all
9 when so directed by the Prosecutor General in the interest of justice or the public
0 service;

1 c. Act as counsel for the People of the Philippines in any case involving or
2 arising from a criminal complaint investigated by any of its prosecutors and
3 pending before any trial court;

4 d. Investigate administrative charges against prosecutors, other prosecution
5 officers and members of their support staff;

6 e. Prepare legal opinions on queries involving violations of the Revised
7 Penal Code and special penal laws; and

8 f. 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 systems and
10 procedures as will expedite the monitoring and disposition of cases.

11 The Prosecutor General and the Deputy Prosecutors General shall act as a Board to
12 screen applicants for appointment or promotion to any prosecutorial position in the Office
13 of the Prosecutor General. The Regional Prosecutor, Provincial Prosecutor or City

1 Prosecutor shall sit as a member of the Board whenever it considers applicants for
2 positions in his/her office. The Prosecutor General shall be the Chairperson of the Board.

3 SECTION 6. *Office of the Regional Prosecutor.* - There shall be at each administrative
4 region, except the National Capital Region, an Office of the Regional Prosecutor to be
5 headed by a Regional Prosecutor who shall be assisted by one (1) Deputy Regional
6 Prosecutor, one (1) Associate Regional Prosecutor and three (3) Senior Assistant
7 Prosecutors.

8 For purposes of this regionalization, the National Capital Region shall be placed
9 under the administrative supervision of the Prosecutor General.

10 SECTION 7. *Powers and Functions of the Regional Prosecutor.* - The Regional
11 Prosecutor shall, under the control and supervision of the Prosecutor General, have the
12 following powers and functions:

13 a. Implement policies, plans, programs, memoranda, orders, circulars and
14 rules and regulations of the Office of the Prosecutor General relative to the
15 investigation and prosecution of criminal cases within his region;

16 b. Exercise immediate administrative supervision over all provincial and city
17 prosecutors and other prosecuting officers of provinces and cities comprised within
18 his region;

19 c. Prosecute any case arising within the region;

20 d. Resolve with finality appeals from resolutions of provincial or city
21 prosecutors and their assistants within the region, provided that the case is one
22 where the penalty prescribed for the offense charged does not exceed *prision mayor*,
23 or its equivalent under special laws, regardless of the imposable fine. This

1 notwithstanding, the Prosecutor General is not precluded from exercising his
2 power of review over such resolutions of the Regional Prosecutor in instances
3 where there lies grave abuse of discretion on the part of the Regional Prosecutor
4 and; from determining the extent of the coverage of the power of review of the
5 Regional Prosecutors.

6 e. Designate a prosecutor from another province or city within the region or
7 a prosecutor in the Office of the Regional Prosecutor, as Acting City or Provincial
8 Prosecutor, to investigate and prosecute a case in instances where parties question
9 the partiality or bias of a particular city or provincial prosecutor or where the city or
10 provincial prosecutor voluntarily inhibits himself/herself by reason of relationship
11 to any of the parties within the sixth civil degree of consanguinity or affinity;

12 f. With respect to his regional office and the offices of the provincial and city
13 prosecutors within his/her region, he/she shall:

14 1. Appoint such number of subordinate officers and employees as
15 may be necessary, approve transfer of subordinate personnel within the jurisdiction
16 of the regional office and exercise disciplinary actions over them in accordance with
17 the Civil Service Law, other existing laws and regulations;

18 2. Approve requests for sick, vacation, maternity and other kinds of
19 leaves, with or without pay, for a period not exceeding one year; for overtime
20 services; for permission to exercise their profession or to engage in business outside
21 of office hours; for official travel within the region for periods not exceeding thirty
22 (30) days, and for claims and benefits under existing laws;

23 3. Exercise immediate administrative supervision over all Provincial and

1 City Prosecutors, their assistants and all other prosecuting officers of the provinces
2 and cities within his region;

3 4. Investigate administrative complaints against prosecutors within the
4 region and submit his recommendation to the Prosecutor General who shall, after
5 review thereof and where warranted, submit the appropriate recommendation to
6 the Office of the President for the latter's consideration;

7 5. Approve attendance of personnel in conferences, seminars and other
8 training programs within the region;

9 6. Prepare the budget for the region, for the approval of the Prosecutor
0 General, and administer the same;

1 7. Approve requisitions for supplies, materials and equipment, as well as
2 books, periodicals and the like and other items for the region in accordance with the
3 approved supply procurement program;

4 8. Negotiate and conclude contracts for services or for furnishing supplies,
5 materials and equipment and the like within the budgetary limits set for the region;

6 9. Within his/her region, monitor the submission of all reports as may be
7 required by the Prosecutor General;

8 10. Coordinate with the regional offices of the other departments, agencies
9 and bureaus of the government and with the local government units in the region;

10 11. Perform such other duties and functions as may be provided by law or as
11 may further be delegated by the Prosecutor General.

12 **SECTION 8.** *Office of the Provincial or City Prosecutor.* - There shall be at each
13 province or city a Provincial Prosecutor or City Prosecutor, as the case may be, who shall

1 be assisted by at least one (1) Deputy Provincial Prosecutor or Deputy City Prosecutor and
2 such number of Associate and Assistant Prosecutors as provided for hereinafter: Provided,
3 however, That whenever a new province or city is created, it shall have a Provincial
4 Prosecutor or City Prosecutor, a Deputy Provincial Prosecutor or Deputy City Prosecutor
5 and such number of Associate and Assistant prosecutors as there are court branches
6 therein at the ratio of two (2) Prosecutors for each branch of Regional Trial Court, one (1)
7 Prosecutor for each branch of Metropolitan Trial Court or Municipal Trial Court in cities,
8 and one (1) Prosecutor for every two (2) Municipal Trial Court in municipalities or
9 Municipal Circuit Trial Courts. The Associate and Assistant Prosecutors for the new
0 province or city may be appointed from qualified applicants, or taken from the office of
1 the Provincial Prosecutor or Office of the City Prosecutor of the mother province or city,
2 using as a basis the ratio between court branches and prosecutors mentioned above:
3 Provided, further, That when all or almost all of the Regional Trial Court branches are
4 seated in the city, the number of Prosecutors for the city shall be proportional to the
5 territorial jurisdiction covered by the courts.

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

9 **SECTION 9. Powers and Functions of the Provincial Prosecutor or City Prosecutor.** - The
10 Provincial Prosecutor or the City Prosecutor shall:

- 11 a. Be the law officer of the province or city, as the case may be;
- 12 b. Investigate and/or cause to be investigated all charges of crimes,
13 misdemeanors and violations of all penal laws and ordinances within their

1 respective jurisdictions and have the necessary information or complaint prepared
2 or made against the persons accused;

3 c. Have the charge of the prosecution of all crimes, misdemeanors and
4 violations of city or municipal ordinances in the courts of such province and city
5 and therein discharge all the duties incident to the institution of criminal
6 prosecutions, subject to the provisions of the third paragraph of Section 5 hereof.

7 **SECTION 10.** *Office of the Provincial Prosecutor: Number of Prosecutors in Each*
8 *Province.* - There shall be in each of the following provinces the corresponding number of
9 Provincial Prosecutor and his Deputies, Associates and Assistants:

10 A) Bulacan: (46)

11 One (1) Provincial Prosecutor

12 Two (2) Deputy Provincial Prosecutors

13 Eighteen (18) Associate Provincial Prosecutors

14 Twenty-five (25) Senior Assistant Provincial Prosecutors

15 B) Camarines Sur; (42)

16 One (1) Provincial Prosecutor

17 Two (2) Deputy Provincial Prosecutors

18 Seventeen (17) Associate Provincial Prosecutors

19 Twenty-two (22) Senior Assistant Provincial Prosecutors

20 C) Pangasinan; Cebu: (36)

21 One (1) Provincial Prosecutor

22 Two (2) Deputy Provincial Prosecutors

23 Fourteen (14) Associate Provincial Prosecutors

1 Nineteen (19) Senior Assistant Provincial Prosecutors

2 D) Leyte: (30)

3 One (1) Provincial Prosecutor

4 Two (2) Deputy Provincial Prosecutors

5 Twelve (12) Associate Provincial Prosecutors

6 Fifteen (15) Senior Assistant Provincial Prosecutors

7 E) Cagayan: (28)

8 One (1) Provincial Prosecutor

9 One (1) Deputy Provincial Prosecutor

10 Twelve (12) Senior Assistant Provincial Prosecutors

11 Fourteen (14) Assistant Provincial Prosecutors

12 F) Rizal; Laguna; Batangas; Quezon: (26)

13 One (1) Provincial Prosecutor

14 One (1) Deputy Provincial Prosecutor

15 Eleven (11) Senior Assistant Provincial Prosecutors

16 Thirteen (13) Assistant Provincial Prosecutors

17 G) Nueva Ecija; Iloilo: (24)

18 One (1) Provincial Prosecutor

19 One (1) Deputy Provincial Prosecutor

20 Ten (10) Senior Assistant Provincial Prosecutors

21 Twelve (12) Assistant Provincial Prosecutors

22 H) Cavite: (23)

23 One (1) Provincial Prosecutor

1 One (1) Deputy Provincial Prosecutor
2 Nine (9) Senior Assistant Provincial Prosecutors
3 Twelve (12) Assistant Provincial Prosecutors
4 I) Isabela; Pampanga; Aklan: (22)
5 One (1) Provincial Prosecutor
6 One (1) Deputy Provincial Prosecutor
7 Nine (9) Senior Assistant Provincial Prosecutors
8 Eleven (11) Assistant Provincial Prosecutors
9 J) Bohol: (21)
10 One (1) Provincial Prosecutor
11 One (1) Deputy Provincial Prosecutor
12 Eight (8) Senior Assistant Provincial Prosecutors
13 Eleven (11) Assistant Provincial Prosecutors
14 K) Samar: (20)
15 One (1) Provincial Prosecutor
16 One (1) Deputy Provincial Prosecutor
17 Eight (8) Senior Assistant Provincial Prosecutors
18 Ten (10) Assistant Provincial Prosecutors
19 L) Northern Samar; Eastern Samar: (19)
20 One (1) Provincial Prosecutor
21 One (1) Deputy Provincial Prosecutor
22 Seven (7) Senior Assistant Provincial Prosecutors
23 Ten (10) Assistant Provincial Prosecutors

- 1 M) La Union: (18)
- 2 One (1) Provincial Prosecutor
- 3 One (1) Deputy Provincial Prosecutor
- 4 Seven (7) Senior Assistant Provincial Prosecutors
- 5 Nine (9) Assistant Provincial Prosecutors
- 6 N) Ilocos Sur: (17)
- 7 One (1) Provincial Prosecutor
- 8 One (1) Deputy Provincial Prosecutor
- 9 Six (6) Senior Assistant Provincial Prosecutors
- 0 Nine (9) Assistant Provincial Prosecutors
- .1 O) Benguet; Misamis Oriental; Negros Oriental; Davao Del Norte (16)
- .2 One (1) Provincial Prosecutor
- 3 One (1) Deputy Provincial Prosecutor
- .4 Six (6) Senior Assistant Provincial Prosecutors
- .5 Eight (8) Assistant Provincial Prosecutors
- !6 P) Nueva Vizcaya; Camarines Norte: (15)
- .7 One (1) Provincial Prosecutor
- .8 One (1) Deputy Provincial Prosecutor
- .9 Six (6) Senior Assistant Provincial Prosecutors
- !0 Seven (7) Assistant Provincial Prosecutors
- !1 Q) Ilocos Norte; Antique; North Cotabato;
- !2 Lanao Del Sur: (14)
- !3 One (1) Provincial Prosecutor

1 One (1) Deputy Provincial Prosecutor
2 Six (6) Senior Assistant Provincial Prosecutors
3 Six (6) Assistant Provincial Prosecutors
4 R) Masbate; Negros Occidental; Zamboanga Del Sur;
5 Lanao Del Norte: (13)
6 One (1) Provincial Prosecutor
7 One (1) Deputy Provincial Prosecutor
8 Five (5) Senior Assistant Provincial Prosecutors
9 Six (6) Assistant Provincial Prosecutors
0 S) Abra; Surigao Del Sur; Davao Oriental; Sulu: (12)
1 One Provincial Prosecutor
2 One (1) Deputy Provincial Prosecutor
3 Five (5) Senior Assistant Provincial Prosecutors
4 Five (5) Assistant Provincial Prosecutors
5 T) Zambales; Oriental Mindoro; Albay; Sorsogon; Southern Leyte;
6 Capiz; Zamboanga Del Norte; Tawi-tawi: (11)
7 One (1) Provincial Prosecutor
8 One (1) Deputy Provincial Prosecutor
9 Four (4) Senior Assistant Provincial Prosecutors
0 Five (5) Assistant Provincial Prosecutors
1 U) Tarlac; Occidental Mindoro; Palawan; Surigao Del Norte: (10)
2 One (1) Provincial Prosecutor
3 One (1) Deputy Provincial Prosecutor

1 Four (4) Senior Assistant Provincial Prosecutors

2 Four (4) Assistant Provincial Prosecutors

3 V) Biliran; Sultan Kudarat: (9)

4 One (1) Provincial Prosecutor

5 One (1) Deputy Provincial Prosecutor

6 Three (3) Senior Assistant Provincial Prosecutors

7 Four (4) Assistant Provincial Prosecutors

8 W) Ifugao; Quirino; Bataan; Romblon; Misamis Occidental;

9 Agusan Del Norte; Compostela Valley: (8)

0 One (1) Provincial Prosecutor

1 One (1) Deputy Provincial Prosecutor

2 Three (3) Senior Assistant Provincial Prosecutors

3 Three (3) Assistant Provincial Prosecutors

4 X) Mt. Province; Marinduque; Catanduanes; Bukidnon;

5 Agusan Del Sur; South Cotabato; Maguindanao: (7)

6 One (1) Provincial Prosecutor

7 One (1) Deputy Provincial Prosecutor

8 Two (2) Senior Assistant Provincial Prosecutors

9 Three (3) Assistant Provincial Prosecutors

0 Y) Aurora; Davao Del Sur; Sarangani: (6)

1 One (1) Provincial Prosecutor

2 One (1) Deputy Provincial Prosecutor

3 Two (2) Senior Assistant Provincial Prosecutors

1 Two (2) Assistant Provincial Prosecutors

2 Z) Zamboanga Sibugay; (5)

3 One (1) Provincial Prosecutor

4 One (1) Deputy Provincial Prosecutor

5 One (1) Senior Assistant Provincial Prosecutor

6 Two (2) Assistant Provincial Prosecutors

7 AA) Batanes; Kalinga; Apayao; Camiguin; Basilan: (4)

8 One (1) Provincial Prosecutor

9 One (1) Deputy Provincial Prosecutor

10 One (1) Senior Assistant Provincial Prosecutor

11 One (1) Assistant Provincial Prosecutor

12 BB) Guimaras; Siquijor; Dinagat Island; Shariff Kabunsuan: (3)

13 One (1) Provincial Prosecutor

14 One (1) Deputy Provincial Prosecutor

15 One (1) Assistant Provincial Prosecutor

16 After the approval of this Act, there shall be at each province one (1) Deputy
17 Provincial Prosecutor for every thirty (30) Prosecutors or a fraction thereof.

18 **SECTION 11.** *Offices of the City Prosecutor: Number of Prosecutors in Each City. -*

19 There shall be in each of the following cities the corresponding number of City Prosecutor
20 and his Deputies, Associates and Assistants:

21 A) Manila: (178)

22 One City Prosecutor

23 Five Deputy City Prosecutors

1 Seventy-four Associate City Prosecutors
2 Ninety-eight Senior Assistant City Prosecutors
3 B) Quezon City: (109)
4 One City Prosecutor
5 Three Deputy City Prosecutors
6 Forty-six Associate City Prosecutors
7 Fifty-nine Senior Assistant City Prosecutors
8 C) Makati: (107)
9 One City Prosecutor
10 Three Deputy City Prosecutors
11 Forty-six Associate City Prosecutors
12 Fifty-seven Senior Assistant City Prosecutors
13 D) Cebu: (40)
14 One City Prosecutor
15 Two Deputy City Prosecutors
16 Sixteen Associate City Prosecutors
17 Twenty-one Senior Assistant City Prosecutors
18 E) Pasig: (37)
19 One City Prosecutor
20 Two Deputy City Prosecutors
21 Fifteen Associate City Prosecutors
22 Nineteen Senior Assistant City Prosecutors
23 F) Iloilo: (36)

1 One City Prosecutor
2 Two Deputy City Prosecutors
3 Fourteen Associate City Prosecutors
4 Nineteen Senior Assistant City Prosecutors

5 G) Caloocan; Pasay: (31)

6 One City Prosecutor
7 Two Deputy City Prosecutors
8 Twelve Associate City Prosecutors
9 Sixteen Senior Assistant City Prosecutors

10 H) Cagayan De Oro: (30)

11 One City Prosecutor
12 Two Deputy City Prosecutors
13 Twelve Associate City Prosecutors
14 Fifteen Senior Assistant City Prosecutors

15 I) Bacolod; Davao: (29)

16 One City Prosecutor
17 One Deputy City Prosecutor
18 Twelve Associate City Prosecutors
19 Fifteen Senior Assistant City Prosecutors

20 J) Las Pinas; Muntinlupa; Tacloban; Zamboanga: (21)

21 One City Prosecutor
22 One Deputy City Prosecutor
23 Eight Associate City Prosecutors

1 Eleven Senior Assistant City Prosecutors

2 K) Baguio: (20)

3 One City Prosecutor

4 One Deputy City Prosecutor

5 Eight Associate City Prosecutors

6 Ten Senior Assistant City Prosecutors

7 L) Marikina; Paranaque: (18)

8 One City Prosecutor

9 One Deputy City Prosecutor

10 Seven Associate City Prosecutors

11 Nine Senior Assistant City Prosecutors

12 M) Mandaluyong; Taguig (16)

13 One City Prosecutor

14 One Deputy City Prosecutor

15 Six Associate City Prosecutors

16 Eight Senior Assistant City Prosecutors

17 N) Olongapo; Malabon and Navotas: (13)

18 One City Prosecutor

19 One Deputy City Prosecutor

20 Five Associate City Prosecutors

21 Six Senior Assistant City Prosecutors

22 O) Antipolo; San Juan: (10)

23 One City Prosecutor

1 One Deputy City Prosecutor
2 Four Associate City Prosecutors
3 Four Senior Assistant City Prosecutors
4 P) Valenzuela: (8)
5 One City Prosecutor
6 One Deputy City Prosecutor
7 Three Associate City Prosecutors
8 Three Senior Assistant City Prosecutors
9 Q) Malolos; San Fernando (Pampanga); Dumaguete: (20)
0 One City Prosecutor
1 One Deputy City Prosecutor
2 Eight Senior Assistant City Prosecutors
3 Ten Assistant City Prosecutors
4 R) Cabanatuan; Naga: (19)
5 One City Prosecutor
6 One Deputy City Prosecutor
7 Seven Senior Assistant City Prosecutors
8 Ten Assistant City Prosecutors
9 S) Batangas; Lucena: (18)
0 One City Prosecutor
1 One Deputy City Prosecutor
2 Seven Senior Assistant City Prosecutors
3 Nine Assistant City Prosecutors

- 1 T) Angeles; Legaspi; Iligan: (17)
- 2 One City Prosecutor
- 3 One Deputy City Prosecutor
- 4 Seven Senior Assistant City Prosecutors
- 5 Eight Assistant City Prosecutors
- 6 U) Laoag; San Fernando (La Union); Tuguegarao; Roxas;
- 7 Tagbilaran; Butuan: (14)
- 8 One City Prosecutor
- 9 One Deputy City Prosecutor
- 10 Five Senior Assistant City Prosecutors
- 11 Seven Assistant City Prosecutors
- 12 V) Dagupan; General Santos: (13)
- 13 One City Prosecutor
- 14 One Deputy City Prosecutor
- 15 Five Senior Assistant City Prosecutors
- 16 Six Assistant City Prosecutors
- 17 W) Dipolog: (12)
- 18 One City Prosecutor
- 19 One Deputy City Prosecutor
- 20 Four Senior Assistant City Prosecutors
- 21 Six Assistant City Prosecutors
- 22 X) Urdaneta; Iriga; Puerto Princesa: (11)
- 23 One City Prosecutor

1 One Deputy City Prosecutor
2 Four Senior Assistant City Prosecutors
3 Five Assistant City Prosecutors
4 Y) Pagadian: (10)
5 One City Prosecutor
6 One Deputy City Prosecutor
7 Four Senior Assistant City Prosecutors
8 Four Assistant City Prosecutors
9 Z) San Pablo; Calamba; Tabacco; Mandaue; Lapu-lapu: (9)
0 One City Prosecutor
1 One Deputy City Prosecutor
2 Three Senior Assistant City Prosecutors
3 Four Assistant City Prosecutors
4 AA) Santiago; Tarlac; Sorsogon; Oroquieta: (8)
5 One City Prosecutor
6 One Deputy City Prosecutor
7 Three Senior Assistant City Prosecutors
8 Three Assistant City Prosecutors
9 BB) Vigan; Gapan; Balanga; Lipa; Ligao; Masbate; Marawi;
0 Tagum : (7)
1 One City Prosecutor
2 One Deputy City Prosecutor
3 Two Senior Assistant City Prosecutors

1 Three Assistant City Prosecutors
2 CC) Cavite; Surigao: (6)
3 One City Prosecutor
4 One Deputy City Prosecutor
5 Two Senior Assistant City Prosecutors
6 Two Assistant City Prosecutors
7 DD) Cauyan; San Carlos (Pangasinan); Alaminos; Tanauan;
8 Calapan; San Carlos (Negros Occidental); Toledo;
9 Calbayog; Ormoc; Ozamis; Malaybalay; Cotabato;
0 Gingoog; Digos; Koronadal; Kidapawan: (5)
1 One City Prosecutor
2 One Deputy City Prosecutor
3 One Senior Assistant City Prosecutor
4 Two Assistant City Prosecutors
5 EE) Bais: (4)
6 One City Prosecutor
7 One Deputy City Prosecutor
8 One Senior Assistant City Prosecutor
9 One Assistant City Prosecutor
20 FF) Candon; Palayan; Science City of Munoz; San Jose;
21 San Jose Del Monte; Sta. Rosa; Tagaytay; Trece Martirez;
22 Passi; Bago; Cadiz; Himamaylan; Kabankalan; La Carlota;
23 Silay; Sipalay; Danao; Talisay (Cebu); Bayawan; Canlaon;

1 Tanjay; Maasin; Dapitan; Isabela; Valencia; Tangub;
2 Panabo; Island Garden City of Samal; Bislig; Tacurong: (3)

3 One City Prosecutor

4 One Deputy City Prosecutor

5 One Assistant City Prosecutor

6 GG) Escalante; Sagay; Talisay (Negros Occidental); Victorias: (2)

7 One City Prosecutor

8 One Deputy City Prosecutor

9 After the approval of the Act, there shall be at each city one (1) Deputy City
0 Prosecutor for every thirty (30) Prosecutors or a fraction thereof.

1 **SECTION 12.** *Realignment of Position Items.* – Upon the approval of this Act,
2 the Prosecutor General shall transfer vacant/excess position items of prosecutors to cities
3 within the province or to the province of which the cities used to be municipalities or to
4 other cities within the province: Provided, however, that if the position items are
5 occupied, they shall be transferred as soon as they become vacant or when the incumbent
6 prosecutors consent to their transfer.

7 When new cities are created and court branches seats are realigned or redistributed,
8 the Prosecutor General shall correspondingly realign position items of prosecutors to the
9 new cities from the provinces where the cities are located, without prejudice to the
10 provisions of Section 12 hereof.

11 **SECTION 13.** *Automatic Increase of Positions of Prosecutors.* - Whenever new
12 courts or branches thereof are created in a province or city, there shall be at such province
13 or city automatically created positions of Associate and Assistant Prosecutors in such

1 number determined pursuant to the ratio established in Section 8 hereof: Provided,
2 however, that if the branches of a regional trial court shall be seated at a city outside of
3 Metropolitan Manila, the number of positions shall be distributed between the city and the
4 province where the city is located according to the territorial jurisdiction covered by such
5 branch.

6 **SECTION 14.** *Qualification, Rank and Appointment of the Prosecutor General.* -
7 The Prosecutor General shall have the same qualifications for appointment, rank, category,
8 prerogatives, salary grade, allowances, emoluments and other privileges, and be subject to
9 the same *inhibitions and disqualifications* as those of the Presiding Justice of the Court of
0 Appeals and shall be appointed by the President.

1 **SECTION 15.** *Ranks of Prosecutors.* - The prosecutors in the Office of the
2 Prosecutor General shall have the following ranks:

3	RANKS	DESIGNATION
4	Prosecutor V	1. Deputy Prosecutors General;
5		2. Regional Prosecutors; and
6		3. Provincial Prosecutors or
7		City Prosecutors of
8		Provinces or cities with at least thirty
9		prosecutors, and City Prosecutors of highly
10		urbanized cities.
11	Prosecutor IV	1. Deputy Regional Prosecutors;
12		2. Senior Associate Prosecutors;
13		3. Provincial Prosecutors or

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City Prosecutors of
Provinces *or* cities with less than thirty
prosecutor; and

4. Deputy Provincial Prosecutors or
Deputy City Prosecutors of provinces or
cities with at least thirty prosecutors, and
Deputy City Prosecutors of highly
urbanized cities.

Prosecutor III

1. *Associate State Prosecutors and Associate
Regional Prosecutors;*

2. *Deputy Provincial Prosecutors or Deputy
City Prosecutors of provinces or cities with
less than thirty prosecutors; and*

3. *Associate Provincial Prosecutors or
Associate City Prosecutors of a provinces or
cities with at least thirty prosecutors, and
Associate City Prosecutors of highly
urbanized cities.*

Prosecutor II

1. *Senior Assistant State Prosecutors and
Senior Assistant Regional Prosecutors;*

2. *Associate Provincial Prosecutors or
Associate City Prosecutors of provinces or
cities with less than thirty prosecutors; and*

1 3. Senior Assistant Provincial Prosecutors
2 or Senior Assistant City Prosecutors of
3 provinces or cities with at least thirty
4 prosecutors, and Senior Assistant City
5 Prosecutor of highly urbanized cities.

6 Prosecutor I

1. Assistant Provincial Prosecutors or
7 Assistant City Prosecutors of provinces or
8 cities with less than thirty prosecutors.

9 **SECTION 16.** *Qualifications and Appointments of Prosecutors and Other Prosecution*

0 *Officers.-* Prosecutors with the rank of Prosecutor V shall have the same qualifications for
1 appointment, rank, category, prerogatives, salary grade, allowances, emoluments and
2 other privileges, and be subject to the same inhibitions and disqualifications of an
3 Associate Justice of the Court of Appeals.

14 Prosecutors with the rank of Prosecutor IV shall have the same qualifications for
15 appointment, rank, category, prerogatives, salary grade, allowances, emoluments and
16 other privileges, and be subject to the same inhibitions and disqualifications of a judge of
17 the Regional Trial Court.

18 Prosecutors with the rank of Prosecutor III shall have the same qualifications for
19 appointment, rank, category, prerogatives, salary grade, allowances, emoluments and
20 other privileges, and be subject to the same inhibitions and disqualifications of a judge of
21 the Metropolitan Trial Court.

22 Prosecutors with the rank of Prosecutor II shall have the same qualifications for
23 appointment, rank, category, prerogatives, salary grade, allowances, emoluments and

1 other privileges, and be subject to the same inhibitions and disqualifications of a judge of
2 the Municipal Trial Court.

3 Prosecutors with the rank of Prosecutor I shall have the same qualifications for
4 appointment, rank, category, prerogatives, salary grade, allowances, emoluments and
5 other privileges, and be subject to the same inhibitions and disqualifications of a judge of
6 the Municipal Circuit Trial Court, and salary one grade lower than that of Prosecutor II.

7 All the above prosecutors shall be selected from among qualified and professionally
8 trained members of the legal profession who are of proven integrity and competence and
9 have been in the actual practice of the legal profession for at least five (5) years prior to
10 their appointment or have held during like period, any position requiring the
11 qualifications of a lawyer. They shall be appointed by the President of the Philippines
12 upon 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, That
16 with respect to a special counsel, his/her appointment shall be upon the recommendation
17 of the provincial governor or city mayor and with the endorsement of the provincial
18 prosecutor or city prosecutor, as the case may be.

19 The salaries of Provincial and City Prosecutors and their assistants shall be paid
20 entirely out of national funds and included in the annual appropriations of the
21 Department of Justice. This is without prejudice to the grant of allowances to the above-
22 mentioned prosecutors by their respective local governments, in amounts not exceeding
23 fifty percent (50%) of their basic salaries.

1 The salary, allowances and other emoluments herein fixed shall not apply to
2 officers other than those of prosecutors in the Office of the Prosecutor General,
3 notwithstanding any provisions of law assimilating the salaries of other officers to those
4 herein mentioned.

5 **SECTION 17.** *Continuation of Functions of Prosecutors.* - Upon approval of this
6 Act, the prosecuting officers, including the prosecuting attorneys, in the present
7 prosecution staff shall continue to discharge the functions under this Act, and the
8 position/title Chief State Prosecutor and Assistant Chief State Prosecutors are respectively
9 renamed Prosecutor General and Deputy Prosecutors General. All prosecutors who have
0 the rank of Prosecutor III and Prosecutor II in the existing Prosecution Staff shall be called
.1 Associate State Prosecutors and Senior Assistant State Prosecutors, respectively, under this
12 Act.

13 The Regional, Provincial or City Prosecution Office established in each of the
14 regions, provinces and cities pursuant to law is hereby retained and renamed Office of the
15 Regional Prosecutor, Office of the Provincial Prosecutor or Office of the City Prosecutor, as
16 the case may be.

17 All Regional, Provincial and City Prosecutors and their assistants shall continue in
18 office to discharge their functions under this Act.

19 All Assistant Prosecutors who have the rank of Prosecutor III, Prosecutor II and
20 Prosecutor I in each of the existing Regional, Provincial and City Prosecution Offices shall
21 be known by the designation provided in Section 15 hereof. Provided, however, that in
22 provinces or cities with at least thirty (30) prosecutors and in highly urbanized cities all
23 Assistant Prosecutors with the rank of Prosecutor I before the enactment of this act shall be

1 upgraded to Prosecutor II and shall bear the title Senior Assistant Provincial or Senior
2 Assistant City Prosecutor.

3 **SECTION 18.** *No Undermining of Security of Tenure.* - Nothing in this Act shall
4 be construed to allow the transfer, except as provided herein or in cases of temporary
5 assignment, as public interest may require, of any Assistant Prosecutor to any place or
6 station or to undermine the security of tenure of incumbent Prosecutors as provided in the
7 laws. Such temporary assignment shall not exceed six (6) months without his or her
8 written consent. No Provincial Prosecutor or City Prosecutor shall be detailed or assigned
9 to another office or station, except in a concurrent capacity with his or her written consent.

0 **SECTION 19.** *Special Allowances.* - The special allowances granted to the
1 members of the National Prosecution Service under Republic Act No. 9279 shall continue
2 to be given them subject to the provisions thereof.

3 **SECTION 20.** *Retirement Benefits.* - When a prosecutor, who has rendered at
4 least twenty (20) years of service either in the National Prosecution Service or in any
5 branch of government, or in both, retires for having attained the age of sixty-five (65)
6 years, or resigns by reason of incapacity to discharge the duties of his/her office, he/she
7 shall, during the residue of his/her natural life, in the manner hereinafter provided,
8 receive a retirement pension based on the highest monthly salary, plus the highest
9 monthly aggregate of transportation, living, and representation allowances, which he/she
10 was receiving at the time of his/her retirement or resignation.

11 When a prosecutor has attained the age of sixty (60) years and has rendered at least
12 twenty (20) years of service in government, the last five (5) years of which must have been
13 continuously rendered in the prosecution service, he/she shall likewise be entitled to

1 hereof shall be granted to all those who retired prior to the effectivity of this Act.

2 **SECTION 24.** *Applicability.* - All benefits heretofore extended under Republic
3 Act No. 910, and all other benefits that may be extended by way of any amendment
4 thereto shall likewise be given to the prosecutors covered by this Act.

5 **SECTION 25.** *Transitory Provisions.* - Upon the approval of this Act, the
6 pertinent functions, applicable appropriations, records, equipment, property, and such
7 clerical and subordinate personnel as may be necessary shall remain or be transferred to
8 the appropriate staff or offices.

9 **SECTION 26.** *Appropriation.* - There is hereby appropriated initially the sum
10 of Fifty Million Pesos (P50,000,000.00) from the funds of the National Treasury not
11 otherwise appropriated for the organization and operational expenses of the Office of the
12 Prosecutor General for a period of one (1) year from the effectivity of this Act. The said
13 amount shall be added to the annual budget of Department of Justice.

14 **SECTION 27.** *Repeal.* - All acts, laws, decrees, executive orders, letters of
15 instructions and regulations or any part thereof which are inconsistent with any provision
16 of this Act are hereby repealed and/or modified accordingly.

17 **SECTION 28.** *Separability Clause.* - If for any reason, any section or provision
18 of this Act is declared to be unconstitutional or invalid, the other sections or provisions of
19 this Act which are not effected thereby shall continue in full force and effect.

20 **SECTION 29.** *Effectivity.* - This Act shall take effect fifteen (15) days following
21 its publication in at least two (2) newspapers of general circulation or in the Official
22 Gazette.

23 **APPROVED.**