

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fourteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand nine.



[REPUBLIC ACT NO. 10071]

AN ACT STRENGTHENING AND RATIONALIZING THE
NATIONAL PROSECUTION SERVICE

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

SECTION 1. *Title.* - This Act shall be known as the
"Prosecution Service Act of 2010".

SEC. 2. *Scope.* - The constituent offices herein covered shall include the Prosecution Staff and the Regional, Provincial and City Prosecution Offices under the Secretary of Justice, that compose the National Prosecution Service as created and established in the succeeding sections.

SEC. 3. *Creation of the National Prosecution Service.* – There is hereby created and established a National Prosecution Service to be composed of the prosecution staff in the Office of the Secretary of Justice and such number of regional prosecution offices, offices of the provincial prosecutor and offices of the city prosecutor as are hereinafter provided, which shall be primarily responsible for the preliminary investigation and prosecution of all cases involving violations of penal laws under the supervision of the Secretary of Justice, subject to the provisions of Sections 4, 5 and 7 hereof.

SEC. 4. *Power of the Secretary of Justice.* – The power vested in the Secretary of Justice includes authority to act directly on any matter involving national security or a probable miscarriage of justice within the jurisdiction of the prosecution staff, regional prosecution office, and the provincial prosecutor or the city prosecutor and to review, reverse, revise, modify or affirm on appeal or petition for review as the law or the rules of the Department of Justice (DOJ) may provide, final judgments and orders of the prosecutor general, regional prosecutors, provincial prosecutors and city prosecutors.

For purposes of determining the cases which may be acted on, directly by the Secretary of Justice, the phrase “national security” shall refer to crimes against national security as provided under the Penal Code, Book II, Title I, and other cases involving acts of terrorism as defined under the Human Security Act under Republic Act No. 9372.

SEC. 5. *The Prosecution Staff and its Functions.* – There shall be in the Office of the Secretary of Justice a prosecution staff that shall be composed of prosecuting officers in such number as hereinbelow determined. It shall be headed by a Prosecutor General who shall be assisted by the following:

- (a) Five (5) Senior Deputy State Prosecutors;
- (b) Five (5) Deputy State Prosecutors;
- (c) Thirty-five (35) Senior Assistant State Prosecutors;
- (d) Eighty (80) Assistant State Prosecutors; and
- (e) Twenty (20) Prosecution Attorneys.

The Prosecution Staff, which shall be under the control and supervision of the Secretary of Justice, shall have the following functions:

- (1) Assist the Secretary of Justice in the exercise of his/her appellate jurisdiction;
- (2) Conduct the preliminary investigation and prosecution of criminal cases involving national security, those for which task forces have been created, and criminal cases whose venues are transferred to avoid miscarriage of justice, all when so directed by the Secretary of Justice as public interest may require;
- (3) Act as counsel for the People of the Philippines in any case involving or arising from a criminal complaint investigated by any of its prosecutors and pending before any trial court;
- (4) Investigate administrative charges against prosecutors, other prosecution officers and members of their support staff;
- (5) Prepare legal opinions on queries involving violations of the Revised Penal Code and special penal laws; and
- (6) Monitor all criminal cases filed with the Office of the Prosecutor General; maintain an updated record of the status of each case, and adopt such systems and procedures as will expedite the monitoring and disposition of cases.

The Prosecutor General and Senior Deputy State Prosecutors shall act as a Selection and Promotion Board to screen applicants for appointment or promotion to any prosecutorial position in the Office of the Prosecutor General. The regional prosecutor, provincial prosecutor or city prosecutor shall sit as a member of the Board whenever it considers applicants for positions in his/her office. The Prosecutor General shall be the Chairperson of the Board.

SEC. 6. Regional Prosecution Office. – There shall be at each administrative region, except the National Capital Region (NCR), a Regional Prosecution Office to be headed by a Regional Prosecutor who shall be assisted by one (1) Deputy

Regional Prosecutor, one (1) Senior Assistant Regional Prosecutor, three (3) Assistant Regional Prosecutors and one (1) Prosecution Attorney.

For purposes of this regionalization, the NCR shall be placed under the administrative supervision of the Prosecutor General.

SEC. 7. Powers and Functions of the Regional Prosecutor. – The Regional Prosecutor shall, under the control and supervision of the Secretary of Justice, have the following powers and functions:

- (a) Implement policies, plans, programs, memoranda, orders, circulars and rules and regulations of the DOJ relative to the investigation and prosecution of criminal cases in his/her region;
- (b) Exercise immediate administrative supervision over all provincial and city prosecutors and other prosecuting officers for provinces and cities comprised within his/her region;
- (c) Prosecute any case arising within the region;
- (d) When so delegated by the Secretary of Justice, resolve with finality appeals from or petitions for review of judgments and orders of provincial and city prosecutors and their assistants within the region in cases where the offenses charged are cognizable by the municipal trial court. This notwithstanding, the Secretary of Justice is not precluded from exercising his/her power of review over such resolutions of the Regional Prosecutor in instances where there lies grave abuse of discretion on the part of the Regional Prosecutor, and from determining the extent of the coverage of the power of review of the Regional Prosecutors;
- (e) Designate a prosecutor from any office of the provincial or city prosecutor within the region as Acting Provincial or City Prosecutor to investigate and prosecute a case in instances where parties question the partiality or bias of a particular city or provincial prosecutor or where the city or provincial prosecutor voluntarily inhibits himself/herself by reason of

relationship to any of the parties within the sixth (6th) civil degree of consanguinity or affinity;

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

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

(2) Approve requests for sick, vacation and maternity and other kinds of leaves, with or without pay, for a period not exceeding one (1) year; for overtime services; for permission to exercise their profession or to engage in business outside of office hours; for official travel within the region for periods not exceeding thirty (30) days; and for claims and benefits under existing laws;

(3) Exercise immediate administrative supervision over all provincial and city prosecutors, their assistants and all other prosecuting officers of the provinces and cities within his/her region;

(4) Investigate administrative complaints against prosecutors and other prosecuting officers within the region and submit his/her recommendation to the Secretary of Justice who shall, after review thereof and where warranted, submit the appropriate recommendation to the Office of the President for the latter's consideration;

(5) Approve attendance of personnel in conferences, seminars and other training programs within the region;

(6) Prepare the budget for the region for approval of the Secretary of Justice and administer the same;

(7) Approve requisition for supplies, materials and equipment, as well as books, periodicals and the like and other items for the region in accordance with the approved supply procurement program;

(8) Negotiate and conclude contracts for services or for furnishing supplies, materials and equipment and the likes within the budgetary limits set for the region;

(9) Within his/her region, monitor the submission of all reports as may be required by the Secretary of Justice;

(10) Coordinate with the regional offices of other departments, bureaus and agencies of the government and with local governments units in the region; and

(11) Perform such other duties and functions as may be provided by law or as may further be delegated by the Secretary of Justice.

SEC. 8. *The Provincial Prosecutor or City Prosecutor.*

– There shall be for each province or city a Provincial Prosecutor or City Prosecutor, as the case may be, who shall be assisted by at least one (1) Deputy Provincial Prosecutor or Deputy City Prosecutor and such number of assistant and associate prosecutors as provided for hereinafter: *Provided, however,* That whenever a new province or city is created, it shall have a provincial prosecutor or city prosecutor, a deputy provincial prosecutor or deputy city prosecutor and such number of assistant and associate prosecutors as there are court branches therein at the ratio of two (2) prosecutors for each branch of regional trial court, one (1) prosecutor for each branch of metropolitan trial court or municipal trial court in cities, and one (1) prosecutor for every two (2) municipal trial courts in municipalities or branches thereof or municipal circuit trial courts.

Upon the establishment of the new province or city, position items of Prosecutor of the Office of the Provincial Prosecutor for the mother province in excess of the new equivalent pursuant to the ratio established above for the courts or branches thereof that remained to be served by the office shall be transferred automatically to the Office of the Provincial Prosecutor or Office of the City Prosecutor for the new province or city, as the case may be: *Provided, further,* That when all or almost all of the regional trial court branches are seated at the city, the number of prosecutors for the city

shall be proportional to the territorial jurisdiction covered by such branches of the courts.

In case a province is reverted to the mother province or a city is reconverted into a municipality for whatever reason, all the prosecution position items of the Office of the Provincial Prosecutor or Office of the City Prosecutor shall go to the Office of the Provincial Prosecutor for the mother province: *Provided, however*, That the position title provincial prosecutor or city prosecutor for the former province or city shall be changed to Assistant Provincial Prosecutor or Associate City Prosecutor, as the case may be, and shall have the corresponding rank provided in Section 15.

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

SEC. 9. Powers and Functions of the Provincial Prosecutor or City Prosecutor. – The provincial prosecutor or the city prosecutor shall:

(a) Be the law officer of the province or city, as the case may be;

(b) Investigate and/or cause to be investigated all charges of crimes, misdemeanors and violations of penal laws and ordinances within their respective jurisdictions, and have the necessary information or complaint prepared or made and filed against the persons accused. In the conduct of such investigations he/she or any of his/her assistants shall receive the statements under oath or take oral evidence of witnesses, and for this purpose may by *subpoena* summon witnesses to appear and testify under oath before him/her, and the attendance or evidence of an absent or recalcitrant witness may be enforced by application to any trial court; and

(c) Have charge of the prosecution of all crimes, misdemeanors and violations of city or municipal ordinances in the courts at the province or city and therein discharge all the duties incident to the institution of criminal actions, subject to the provisions of the second paragraph of Section 5 hereof.

SEC. 10. *Office of the Provincial Prosecutor: Number of Prosecutors in Each Province.* – There shall be for each of the following provinces the corresponding number of provincial prosecutor and his/her deputies, assistants and associates:

(a) Bulacan: (47)

One (1) Provincial Prosecutor
 Two (2) Deputy Provincial Prosecutors
 Eighteen (18) Senior Assistant Provincial
 Prosecutors
 Twenty-six (26) Assistant Provincial Prosecutors

(b) Pangasinan: (36)

One (1) Provincial Prosecutor
 Two (2) Deputy Provincial Prosecutors
 Ten (10) Senior Assistant Provincial Prosecutors
 Twenty-three (23) Assistant Provincial Prosecutors

(c) Cebu: (33)

One (1) Provincial Prosecutor
 Two (2) Deputy Provincial Prosecutors
 Ten (10) Senior Assistant Provincial Prosecutors
 Twenty (20) Assistant Provincial Prosecutors

(d) Leyte: (32)

One (1) Provincial Prosecutor
 Two (2) Deputy Provincial Prosecutors
 Nine (9) Senior Assistant Provincial Prosecutors
 Twenty (20) Assistant Provincial Prosecutors

(e) Quezon; Camarines Sur: (31)

One (1) Provincial Prosecutor
 Two (2) Deputy Provincial Prosecutors
 Nine (9) Senior Assistant Provincial Prosecutors
 Nineteen (19) Assistant Provincial Prosecutors

(f) Cagayan: (28)

One (1) Provincial Prosecutor
Two (2) Deputy Provincial Prosecutors
Eight (8) Senior Assistant Provincial Prosecutors
Seventeen (17) Assistant Provincial Prosecutors

(g) Nueva Ecija; Batangas; Laguna; Rizal: (26)

One (1) Provincial Prosecutor
Two (2) Deputy Provincial Prosecutors
Eight (8) Senior Assistant Provincial Prosecutors
Fifteen (15) Assistant Provincial Prosecutors

(h) Iloilo: (24)

One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Seven (7) Assistant Provincial Prosecutors
Fifteen (15) Associate Provincial Prosecutors

(i) Cavite; Bohol: (23)

One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Seven (7) Assistant Provincial Prosecutors
Fourteen (14) Associate Provincial Prosecutors

(j) Isabela; Pampanga; Aklan: (22)

One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Seven (7) Assistant Provincial Prosecutors
Thirteen (13) Associate Provincial Prosecutors

(k) Samar; Zamboanga del Sur: (20)

One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Six (6) Assistant Provincial Prosecutors
Twelve (12) Associate Provincial Prosecutors

- (l) Northern Samar; Eastern Samar: (19)

One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Six (6) Assistant Provincial Prosecutors
Eleven (11) Associate Provincial Prosecutors

- (m) La Union; Lanao del Sur: (18)

One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Five (5) Assistant Provincial Prosecutors
Eleven (11) Associate Provincial Prosecutors

- (n) Ilocos Sur: (17)

One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Five (5) Assistant Provincial Prosecutors
Ten (10) Associate Provincial Prosecutors

- (o) Benguet; Camarines Norte; Negros Oriental: (16)

One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Five (5) Assistant Provincial Prosecutors
Nine (9) Associate Provincial Prosecutors

- (p) Nueva Vizcaya; Misamis Oriental: (15)

One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Four (4) Assistant Provincial Prosecutors
Nine (9) Associate Provincial Prosecutors

- (q) Ilocos Norte; Antique; Negros Occidental;
Cotabato: (14)

One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Four (4) Assistant Provincial Prosecutors
Eight (8) Associate Provincial Prosecutors

- (r) Albay; Zamboanga del Norte;
Lanao del Norte: (13)
- One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Four (4) Assistant Provincial Prosecutors
Seven (7) Associate Provincial Prosecutors
- (s) Abra; Surigao del Sur; Davao Oriental; Sulu: (12)
- One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Three (3) Assistant Provincial Prosecutors
Seven (7) Associate Provincial Prosecutors
- (t) Zambales; Oriental Mindoro; Masbate; Sorsogon;
Southern Leyte; Capiz; Tawi-Tawi: (11)
- One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Three (3) Assistant Provincial Prosecutors
Six (6) Associate Provincial Prosecutors
- (u) Tarlac; Occidental Mindoro; Palawan; Surigao del
Norte; Agusan del Norte; Maguindanao: (10)
- One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Three (3) Assistant Provincial Prosecutors
Five (5) Associate Provincial Prosecutors
- (v) Davao del Sur; Sultan Kudarat: (9)
- One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Three (3) Assistant Provincial Prosecutors
Four (4) Associate Provincial Prosecutors
- (w) Ifugao; Quirino; Bataan; Romblon; Misamis
Occidental; Bukidnon: (8)
- One (1) Provincial Prosecutor
One (1) Deputy Provincial Prosecutor
Three (3) Assistant Provincial Prosecutors
Three (3) Associate Provincial Prosecutors

- (x) Mt. Province; Marinduque; Catanduanes; Zamboanga Sibugay; Agusan del Sur; South Cotabato: (7)

One (1) Provincial Prosecutor
 One (1) Deputy Provincial Prosecutor
 Two (2) Assistant Provincial Prosecutors
 Three (3) Associate Provincial Prosecutors

- (y) Aurora; Biliran; Compostela Valley: (6)

One (1) Provincial Prosecutor
 One (1) Deputy Provincial Prosecutor
 Two (2) Assistant Provincial Prosecutors
 Two (2) Associate Provincial Prosecutors

- (z) Batanes; Kalinga; Apayao; Camiguin; Basilan; Davao del Norte; Sarangani: (4)

One (1) Provincial Prosecutor
 One (1) Deputy Provincial Prosecutor
 One (1) Assistant Provincial Prosecutor
 One (1) Associate Provincial Prosecutor

- (aa) Guimaras; Siquijor; Dinagat Islands: (3)

One (1) Provincial Prosecutor
 One (1) Deputy Provincial Prosecutor
 One (1) Associate Provincial Prosecutor

After the approval of this Act, there shall be for each province one (1) deputy provincial prosecutor for every twenty-five (25) prosecutors or a fraction thereof. When an office of the provincial prosecutor has more than one (1) deputy provincial prosecutor, the incumbent deputy provincial prosecutor first appointed shall be called senior deputy provincial prosecutor.

SEC. 11. Office of the City Prosecutor: Number of Prosecutors for Each City. – There shall be for each of the following cities the corresponding number of City Prosecutor and his/her deputies, assistants and associates:

(a) Manila: (178)

One (1) City Prosecutor
Seven (7) Deputy City Prosecutors
Seventy-four (74) Senior Assistant City Prosecutors
Ninety-six (96) Assistant City Prosecutors

(b) Quezon City: (109)

One (1) City Prosecutor
Five (5) Deputy City Prosecutors
Forty-eight (48) Senior Assistant City Prosecutors
Fifty-five (55) Assistant City Prosecutors

(c) Makati: (107)

One (1) City Prosecutor
Five (5) Deputy City Prosecutors
Fifty (50) Senior Assistant City Prosecutors
Fifty-one (51) Assistant City Prosecutors

(d) Cebu: (42)

One (1) City Prosecutor
Two (2) Deputy City Prosecutors
Seventeen (17) Senior Assistant City Prosecutors
Twenty-two (22) Assistant City Prosecutors

(e) Pasig: (37)

One (1) City Prosecutor
Two (2) Deputy City Prosecutors
Sixteen (16) Senior Assistant City Prosecutors
Eighteen (18) Assistant City Prosecutors

(f) Iloilo: (36)

One (1) City Prosecutor
Two (2) Deputy City Prosecutors
Thirteen (13) Senior Assistant City Prosecutors
Twenty (20) Assistant City Prosecutors

(g) Caloocan: (35)

One (1) City Prosecutor
Two (2) Deputy City Prosecutors
Thirteen (13) Senior Assistant City Prosecutors
Nineteen (19) Assistant City Prosecutors

(h) Pasay: (31)

One (1) City Prosecutor
Two (2) Deputy City Prosecutors
Thirteen (13) Senior Assistant City Prosecutors
Fifteen (15) Assistant City Prosecutors

(i) Bacolod; Davao; Cagayan de Oro: (30)

One (1) City Prosecutor
Two (2) Deputy City Prosecutors
Thirteen (13) Senior Assistant City Prosecutors
Fourteen (14) Assistant City Prosecutors

(j) Naga (Camarines Sur): (27)

One (1) City Prosecutor
Two (2) Deputy City Prosecutors
Twelve (12) Senior Assistant City Prosecutors
Twelve (12) Assistant City Prosecutors

(k) Parañaque: (23)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Eight (8) Senior Assistant City Prosecutors
Thirteen (13) Assistant City Prosecutors

(l) Marikina: (22)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Eight (8) Senior Assistant City Prosecutors
Twelve (12) Assistant City Prosecutors

(m) Las Pinas: (21)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Ten (10) Senior Assistant City Prosecutors
Nine (9) Assistant City Prosecutors

(n) Mandaluyong: (16)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Seven (7) Senior Assistant City Prosecutors
Seven (7) Assistant City Prosecutors

(o) Valenzuela; Muntinlupa; Taguig: (15)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Seven (7) Senior Assistant City Prosecutors
Six (6) Assistant City Prosecutors

(p) Malabon and Navotas: (13)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Five (5) Senior Assistant City Prosecutors
Six (6) Assistant City Prosecutors

(q) San Juan: (10)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Four (4) Senior Assistant City Prosecutors
Four (4) Assistant City Prosecutors

(r) Baguio; San Fernando (Pampanga); Antipolo;
Dumaguete: (20)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Eight (8) Assistant City Prosecutors
Ten (10) Associate City Prosecutors

(s) Cabanatuan; Legaspi: (19)

One (1) City Prosecutor
 One (1) Deputy City Prosecutor
 Eight (8) Assistant City Prosecutors
 Nine (9) Associate City Prosecutors

(t) Batangas: (18)

One (1) City Prosecutor
 One (1) Deputy City Prosecutor
 Eight (8) Assistant City Prosecutors
 Eight (8) Associate City Prosecutors

(u) Angeles: (17)

One (1) City Prosecutor
 One (1) Deputy City Prosecutor
 Seven (7) Assistant City Prosecutors
 Eight (8) Associate City Prosecutors

(v) Tacloban; Zamboanga: (16)

One (1) City Prosecutor
 One (1) Deputy City Prosecutor
 Seven (7) Assistant City Prosecutors
 Seven (7) Associate City Prosecutors

(w) Iligan: (15)

One (1) City Prosecutor
 One (1) Deputy City Prosecutor
 Six (6) Assistant City Prosecutors
 Seven (7) Associate City Prosecutors

(x) Laoag; San Fernando (La Union); Tuguegarao;
 Lucena; Iriga; Roxas: (14)

One (1) City Prosecutor
 One (1) Deputy City Prosecutor
 Six (6) Assistant City Prosecutors
 Six (6) Associate City Prosecutors

(y) Dagupan; Olongapo; Calamba; General Santos: (13)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Five (5) Assistant City Prosecutors
Six (6) Associate City Prosecutors

(z) Tagbilaran; Butuan: (12)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Five (5) Assistant City Prosecutors
Five (5) Associate City Prosecutors

(aa) Urdaneta; Puerto Princesa: (11)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Five (5) Assistant City Prosecutors
Four (4) Associate City Prosecutors

(bb) Dipolog; Pagadian: (10)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Four (4) Assistant City Prosecutors
Four (4) Associate City Prosecutors

(cc) San Jose del Monte; San Pablo; Masbate;
Mandaue: (9)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Three (3) Assistant City Prosecutors
Four (4) Associate City Prosecutors

(dd) Santiago; Malolos; Meycauayan; Tarlac; Sorsogon;
Oroquieta: (8)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Three (3) Assistant City Prosecutors
Three (3) Associate City Prosecutors

(ee) Gapan; Balanga; Lipa; Ligao; Tabaco; Lapu-Lapu;
Tagum: (7)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Three (3) Assistant City Prosecutors
Two (2) Associate City Prosecutors

(ff) San Jose; Cavite; Talisay (Cebu): (6)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Two (2) Assistant City Prosecutors
Two (2) Associate City Prosecutors

(gg) Candon; Vigan; Alaminos; Cauayan; San Carlos
(Pangasinan); Tanauan; Calapan; San Carlos
(Negros Occidental); Calbayog; Ormoc; Ozamiz;
Malaybalay; Cotabato; Gingoog; Digos; Koronadal;
Kidapawan; Marawi: (5)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
Two (2) Assistant City Prosecutors
One (1) Associate City Prosecutor

(hh) Surigao: (4)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
One (1) Assistant City Prosecutor
One (1) Associate City Prosecutor

(ii) Palayan; Science City of Muñoz; Sta. Rosa;
Tagaytay; Trece Martires; Passi; Bago; Cadiz;
Himamaylan; Kabankalan; La Carlota; Silay;
Sagay; Danao; Toledo; Bais; Bayawan; Kanlaon;
Tanjay; Maasin; Dapitan; Isabela; Tangub;
Panabo; Island Garden City of Samal; Bislig;
Tacurong: (3)

One (1) City Prosecutor
One (1) Deputy City Prosecutor
One (1) Associate City Prosecutor

- jj) Escalante; Sipalay; Talisay (Negros Occidental);
Victorias; Valencia: (2)

One (1) City Prosecutor

One (1) Deputy City Prosecutor

After the approval of this Act, there shall be for each city one (1) deputy city prosecutor for every twenty-five (25) prosecutors or a fraction thereof. When an Office of the City Prosecutor has more than one (1) deputy city prosecutor, the incumbent deputy city prosecutor first appointed shall be called senior deputy city prosecutor.

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

When new cities or provinces are created and court branch seats are realigned or redistributed, the Secretary of Justice shall correspondingly realign position items of prosecutors to the new cities or provinces from the provinces where the cities are located or the provinces used to be part of, without prejudice to the provisions of Section 8 hereof.

After the approval of this Act, branches of the regional trial court that are seated at a city and hitherto try and hear criminal cases filed by either the Office of the Provincial Prosecutor or Office of the City Prosecutor shall proportionally divide themselves into branches where criminal and other cases filed, and those to be prosecuted or defended by the Office of the Provincial Prosecutor shall be exclusively raffled to, tried and heard, and branches where criminal and other cases filed, and those to be prosecuted or defended by the Office of the City Prosecutor shall be exclusively raffled to, tried and heard. Upon such division, the Secretary of Justice shall also realign position items of prosecutor of the Office of the Provincial Prosecutor and the Office of the City Prosecutor affected.

SEC. 13. *Automatic Creation of Positions of Prosecutor.*

– Whenever new courts or branches thereof are created, there shall be automatically created for the province or city where such courts or branches are seated positions of assistant and associate prosecutors in such number determined pursuant to the ratio established in Section 8 hereof: *Provided, however,* That if the branches of a regional trial court shall be seated at a city outside of a metropolitan area established by law, the number of positions shall be distributed between the city and the province where the city is located according to the territorial jurisdiction covered by such branch: *Provided, further,* That in case the branches created are of regional trial court, not less than one-half (1/2) of the corresponding prosecutors shall have the rank of Prosecutor III if the province or city has at least twenty-five (25) prosecutors, including the additional, or the city is in a metropolitan area established by law, and the rest, Prosecutor II; otherwise, they may have the ranks of Prosecutor II and Prosecutor I.

SEC. 14. *Qualifications, Rank and Appointment of the Prosecutor General.* – The Prosecutor General 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 benefits as those of the Presiding Justice of the Court of Appeals and shall be appointed by the President.

SEC. 15. *Ranks of Prosecutors.* – The Prosecutors in the National Prosecution Service shall have the following ranks:

RANK	POSITION/TITLE
Prosecutor V	(1) Senior Deputy State Prosecutors;
	(2) Regional Prosecutors; and
	(3) Provincial Prosecutors or City Prosecutors of provinces or cities with at least twenty-five (25) prosecutors and City Prosecutors of

cities within a metropolitan area established by law.

- Prosecutor IV
- (1) Deputy State Prosecutors;
 - (2) Deputy Regional Prosecutors;
 - (3) Provincial Prosecutors or City Prosecutors of provinces or cities with less than twenty-five (25) prosecutors; and
 - (4) Deputy Provincial Prosecutors or Deputy City Prosecutors of provinces or cities with at least twenty-five (25) prosecutors; and Deputy City Prosecutors of cities within a metropolitan area established by law.
- Prosecutor III
- (1) Senior Assistant State Prosecutors and Senior Assistant Regional Prosecutors;
 - (2) Deputy Provincial Prosecutors or Deputy City Prosecutors of provinces or cities with less than twenty-five (25) prosecutors; and
 - (3) Senior Assistant Provincial Prosecutors or Senior Assistant City Prosecutors.
- Prosecutor II
- (1) Assistant State Prosecutors;
 - (2) Assistant Regional Prosecutors; and
 - (3) Assistant Provincial Prosecutors or Assistant City Prosecutors.
- Prosecutor I
- (1) Associate Provincial Prosecutors or Associate City Prosecutors.

Whenever a province or city shall have had at least twenty-five (25) prosecutors or a city shall have been made a part of a metropolitan area established by law, each level of the prosecution position items of the Office of the Provincial Prosecutor or Office of the City Prosecutor thereof shall be automatically upgraded one rank higher and shall have the corresponding position titles provided in this section.

SEC. 16. *Qualifications, Ranks and Appointments of Prosecutors and Other Prosecution Officers.* – Prosecutors with the rank of Prosecutor V 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 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 benefits as those of a Judge of the Regional Trial Court.

Prosecutors with the rank of Prosecutor III shall have the same qualifications for appointment, rank, category, privileges, 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 benefits 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, privileges, 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 benefits 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, privileges,

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 benefits as those of a Judge of the Municipal Trial Court in municipalities.

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.

All the above prosecutors shall be selected from among qualified and professionally trained members of the legal profession who are of proven integrity and competence. They shall be appointed by the President of the Philippines upon recommendation of the Secretary of Justice and shall serve until they reach the age of sixty-five (65) years old: *Provided, however,* That the ages of "seventy (70) years" and "sixty-five (65) years" and the years of service "twenty (20) years" provided in Republic Act No. 910, as amended, and other retirement laws for judges shall be understood as "sixty-five (65) years" and "sixty (60) years", and "fifteen (15) years", respectively, when applied to prosecutors.

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

Subject to Section 20 hereof, the salaries and allowances of regional, provincial and city prosecutors and their assistants, and the members of the prosecution staff, including prosecution attorneys, shall be paid entirely out of national funds and included in the annual appropriations of the DOJ: *Provided, however,* That this provision is without prejudice to the grant of allowances to the abovementioned prosecutors by their respective local governments in amounts not exceeding fifty percent (50%) of their basic salaries: *Provided, further,* That

the whole of the allowances or portion thereof, whether granted by the national or local government, shall be exempt from income tax.

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

SEC. 17. Continuation in Office of Prosecutors. – Upon approval of this Act, the prosecuting officers, including the prosecution attorneys, in the present prosecution staff shall continue in office to discharge the functions under this Act, and the position titles Chief State Prosecutor and Assistant Chief State Prosecutor are respectively renamed Prosecutor General and Senior Deputy State Prosecutor. All prosecutors who have the ranks of Prosecutor III and Prosecutor II in the existing prosecution staff shall be called Senior Assistant State Prosecutors and Assistant State Prosecutors, respectively, under this Act.

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

All regional, provincial and city prosecutors and their assistants shall continue in office to discharge their functions under this Act.

All assistant prosecutors who have the ranks of Prosecutor IV, Prosecutor III, Prosecutor II and Prosecutor I in each of the existing regional, provincial and city prosecution offices shall be known by the position titles provided in Section 15 hereof: *Provided, however,* That in provinces or cities with at least twenty-five (25) prosecutors and in cities within a metropolitan area established by law, all assistant prosecutors with the rank of Prosecutor I before the enactment of this Act shall be upgraded to Prosecutor II upon the approval of this Act and shall bear the title Assistant Provincial Prosecutor or Assistant City Prosecutor, as the case may be.

SEC. 18. *No Demotion or Diminution of Salary.* - Nothing in this Act shall be construed to demote a prosecutor or to diminish his/her salary. In the event that all the incumbent prosecutors are not accommodated by the number of position items allocated, the excess incumbents shall continue in the service until they are accommodated, transferred or separated.

SEC. 19. *No Undermining of Security of Tenure.* - Nothing in this Act shall be construed to allow the transfer, except as provided herein or in case of temporary assignment, as public interest may require, of any prosecutor to any place or station or to undermine the security of tenure of incumbent prosecutors as provided in the laws. Such temporary assignment shall not exceed three (3) months without his or her written consent. No Provincial Prosecutor or City Prosecutor shall be detailed or assigned to another office or station, except in a concurrent capacity and with his or her written consent.

SEC. 20. *Special Allowances.* - The special allowances granted to the members of the National Prosecution Service under Republic Act No. 9279 shall continue to be given to them subject to the provisions hereof: *Provided, however,* That the amount not supported by the funding source specified in Section 3 thereof to complete the equivalent of one hundred percent (100%) of the basic salary shall be paid through appropriations included in the budget of the DOJ: *Provided, further,* That when the amount being supported by the said funding source shall have been also included in the General Appropriations, the fees authorized under said Section 3 shall no longer be collected.

SEC. 21. *Retirement Benefits.* - When a prosecutor, who has rendered at least fifteen (15) years of service either in the National Prosecution Service or in any branch of government, or in both, retires for having attained the age of sixty-five (65) years, or resigns by reason of incapacity to discharge the duties of his/her office, he/she shall, during the residue of his/her natural life, in the manner hereinafter provided, receive a retirement pension based on the highest monthly salary, plus the highest monthly aggregate of transportation, living

and representation allowances, which he/she was receiving at the time of his/her retirement or resignation.

When a prosecutor has attained the age of sixty (60) years and has rendered at least fifteen (15) years of service in government, the last five (5) years of which must have been continuously rendered in the prosecution service, he/she shall likewise be entitled to retire and receive during the residue of his/her natural life the same benefits provided for in this section: *Provided, however,* That those with less than fifteen (15) years of service in the government shall be entitled to a pro-rata pension computed as follows:

No. of Years in Government		Basic Pay Plus the Highest Monthly Aggregate of Transportation, Living and Representation Allowances
15 Years	X	

SEC. 22. *Conditions.* - To maintain entitlement to the pension herein provided, no prosecutor, during the time he/she is receiving said pension, shall appear as counsel before any judicial or quasi-judicial agency in any civil case wherein the government or any agency, subdivision or instrumentality thereof is an adverse party, or in any criminal case wherein any officer or employee of the government is accused of an offense committed in relation to his/her office, or collect any fee for his/her appearance in any administrative proceedings to maintain an interest adverse to the government, whether national, provincial, or municipal or to any of its legally constituted officers. When a prosecutor covered under this Act shall assume an elective public office, he/she shall not, upon assumption of office and during his/her term, receive the monthly pension or any of the allowance due him/her.

SEC. 23. *Automatic Increase.* - All pension benefits of retired prosecutors of the National Prosecution Service shall be automatically increased whenever there is an increase in the salary and allowance of the same position from which he/she retired.

SEC. 24. *Retroactivity.* – The benefits mentioned in Sections 14 and 16 hereof shall be granted to all those who retired prior to the effectivity of this Act.

SEC. 25. *Applicability.* – All benefits heretofore extended under Republic Act No. 910, as amended, and all other benefits that may be extended by way of amendment thereto shall likewise be given to the prosecutors covered by this Act.

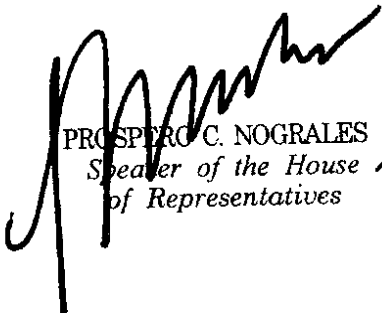
SEC. 26. *Appropriation.* – There is hereby appropriated initially the sum of Fifty million pesos (P50,000,000.00) from the funds of the National Treasury not otherwise appropriated for the organization and operational expenses of the Office of the Prosecutor General for a period of one (1) year from the effectivity of this Act. The said amount shall be added to the annual budget of the DOJ.

SEC. 27. *Repealing Clause.* – All acts, laws, decrees, executive orders, letters of instruction and regulations or any part thereof which are inconsistent with any provision of this Act are hereby repealed and/or modified accordingly.

SEC. 28. *Separability Clause.* – If, for any reason, any section or provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions of this Act which are not affected shall continue in full force and effect.

SEC. 29. *Effectivity.* – This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation or in the *Official Gazette*.

Approved,




PROSPERO C. NOGRALES
Speaker of the House
of Representatives



JUAN PONCE ENRILE
President of the Senate

This Act was passed by the Senate and the House of Representatives on August 24, 2009 and January 26, 2010, respectively.


 MARILYN B. BARUA YAP
Secretary General
House of Representatives


 EMMA LIRIO-REYES
Secretary of the Senate

Approved:

GLORIA MACAPAGAL-ARROYO
President of the Philippines

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lapsed into law on _____
 without the signature of the President, in accordance with Article VI, Section 27 (1) of the Constitution.